EDUCATION AND RELIGIOUS LIBERTY IN THE COURTS—PAGE 18

School Reform News

©2002 The Heartland Institute | The Monthly Newspaper for School Reformers | Vol. 6 No. 1 ~ January 2002

Cristo Rey School Puts Students to Work

New philanthropic model supports high school education

BY WILLIAM MURRAY

Serving a Chicago neighborhood with a 65 percent public high school dropout rate, the Cristo Rey Jesuit High School since 1996 has offered a unique work-study program in which students finance most of their education by sharing entry-level clerical jobs at local businesses. Two-thirds of the school's graduates have gone on to college.

This remarkable success story has inspired the formation of the Cassin Educational Initiative Foundation to create new high schools based on the Cristo Rey model.

Silicon Valley venture capitalist B.J. Cassin and his wife launched the foundation with a gift of $22 million in 2000 after a long friendship with Jeffrey Thielman, who was Cristo Rey's founding development director. From its offices in Menlo Park, California and in Boston College at Chestnut Hill, Massachusetts, the foundation works with religious orders, dioceses, parishes, and other groups who are seeking to establish faith-based college preparatory middle and high schools in communities across the country where families do not have the economic means to support private education.

There's no shortage of students who want to work hard and learn, according to Thielman, the foundation's executive director. The problem is accommodating them in quality schools and finding a way to pay for the operation of those schools. The Cristo Rey model offers a solution, and the foundation makes grants for feasibility studies and start-up operating costs, and provides ongoing consulting support to grantees.

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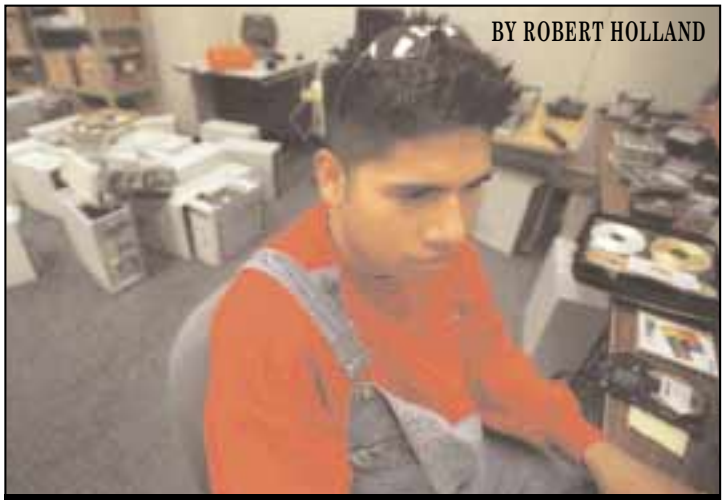
Study Exposes Severity of School Dropout Problem

Almost half of black and Latino students drop out

BY ROBERT HOLLAND



Daniel Sigala dropped out of Grand Prairie (Texas) High School but eventually earned a diploma at Dallas Can Academy. A new study finds nearly two out of four Latino students dropped out of high school in 1998. *photo/Jim Mahony*

A new study of high school graduation rates reveals that one in four U.S. students (26 percent) did not finish high school in 1998, with the rates soaring to almost two out of four for blacks (44 percent) and Latinos (46 percent).

Failure rates were even higher in many urban school districts, with almost three out of four students (72 percent) in Cleveland, Ohio, quitting school without a high school diploma.

When a participant in a March 2001 education conference in Washington, DC asked why so little attention was paid the alarmingly high dropout rate among African-Americans and why the U.S. Department of Education (DoEd) reported incomplete and even inaccurate dropout statistics, an aide to President George W. Bush responded: "The truth hurts, and few people want to share the truth about underperforming students these days."

Kaleem Caire, president and CEO of the Black Alliance for Educational Options (BAEO), recalled that episode in explaining why BAEO decided to commission a study, "High School Graduation Rates in the United States."

The results of that study now are in, and they indicate how official dropout numbers paint a picture far rosier than reality. BAEO's study exposes in shocking detail just how abysmal graduation rates are in some major American cities, particularly for black and Latino students.

Only 74 Percent Graduate

The study's author, Manhattan Institute scholar Jay P. Greene, computed a national graduation rate for the class of 1998 of 74 percent. That is significantly lower than the national high school completion rate of 86 percent reported by the National Center for Education Statistics (NCES), an arm of the federal DoEd. Recently, NCES reported the 2001 graduation rate had inched up to 86.5 percent.

Why the gap between the BAEO and NCES figures?

Greene explained the NCES numbers are inflated partly because the federal agency counts persons who receive General Educational Development (GED) or other alternative certificates as full high school graduates, even though they acquire those certificates after quitting high school. In addition, a GED does not require the

DROPOUT continued on page 12

Weak Science Scores Dim Hopes for High-Tech Workforce of the Future

4 out of 5 high school seniors lack proficiency in science

BY GEORGE A. CLOWES

Low test scores in a national science test recently confirmed what the Third International Math and Science Study first revealed in February 1998: That the performance of U.S. high school students in science is not up to the demands of the high-tech workforce of the future.

With 12th-grade scores on the National Assessment of Educational Progress (NAEP) tests even lower than they were four years ago, U.S. Secretary Rod Paige warned that hopes for a strong twenty-first century workforce "are dimming just when we need them most."

"There is something wrong when American schools cannot produce enough good workers

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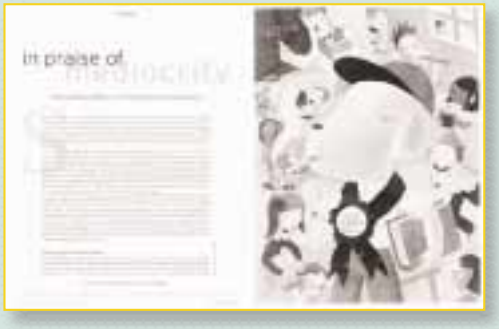

What county-fair judge would give a blue ribbon to a so-so cherry pie? According to Tom Loveless and Paul DiPerna, that is exactly what the federal school pickers have done.

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SCHOOL REFORM NEWS (ISSN 1092-8839) is published 12 times per year by The Heartland Institute. Subscriptions are free to U.S residents and $24 per year for foreign residents. Order online at www.heartland.org. Heartland is a nonprofit and nonpartisan public policy research organization serving the nation's federal and state elected officials, journalists, Heartland Members, and other opinion leaders. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

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"We cannot teach about diversity in the absence of diversity. We need to reconstruct identities, values, beliefs, and lifestyles."

G. PRITCHY SMITH
EDUCATION PROFESSOR
UNIVERSITY OF NORTH FLORIDA

New Teachers Face NCATE Litmus Test on Diversity

Educators must exhibit "correct" attitudes toward race and lifestyles

BY ROBERT HOLLAND

The tight link between political advocacy of multicultural diversity and accreditation of the higher education institutions that train the nation's K-12 teachers was on display during the recent annual convention of the National Association for Multicultural Education (NAME), held at the Riviera Hotel and Casino in Las Vegas last November.

Donna Gollnick unveiled new standards for schools, colleges, and departments of education promulgated by the National Council for Accreditation of Teacher Education (NCATE). That Gollnick is both NAME president and senior vice president of NCATE suggests the close relationship the two organizations have developed.

Gollnick pointed out how multicultural diversity will be a factor in education schools implementing four of the six NCATE standards, while a fifth standard is entirely about diversity.

For instance, Standard One, which has to do with the "knowledge, skills, and dispositions" of teacher candidates, will have a "performance-based" evaluation to determine if would-be teachers exhibit what the examiners deem to be racist or sexist attitudes unacceptable to NCATE.

On Standard Two, dealing with field experiences, NCATE will insist this work be done "in diverse settings." In Standard Five, faculty will be expected to "integrate diversity in their own teaching" by way of modeling what NCATE deems "best practices."

Overall, the emphasis on diversity is so single-minded as to suggest intellectual *conformity* rather than diversity of thought.

Limiting Choice

The National Commission on Teaching and America's Future (NCTAF)—based at Teachers College, Columbia University and funded by the Carnegie Foundation—wants to see all teachers compelled to graduate from education schools that are NCATE-accredited. Such a requirement would severely limit choice in education for parents and teachers alike. The National Education Association, the nation's largest teacher union, was one of NCATE's founders and remains influential in its affairs.

At a NAME institute just before the start of a convention attended by 1,000 educators from all 50 states, Gollnick stressed repeatedly how diversity is *the* single yardstick NCATE will use above all to measure the work of teacher trainers.

What does NCATE mean by diversity? Here is its official definition, as stated in the glossary of its Professional Standards:

"Differences among groups of people and individuals based on ethnicity, race, socioeconomic status, gender, exceptionalities, language, religion, sexual orientation, and geographical area."

Looking for Diversity

Gollnick explained NCATE would look for diversity not only in faculty numbers but in how professors teach their classes. NCATE seeks "performance-based assessment" so that, through videos or portfolios of work, teachers at all levels will have to show they are "teaching multiculturally."

The NCATE standards repeatedly emphasize the necessity for teacher-trainers and future teachers to exhibit the correct "dispositions" with regard to diversity.

What does that mean? Another presenter, G. Pritchy Smith, an education professor at the University of North Florida, made the point more explicitly.

Lamenting the fact that 80 percent of teacher-education students are white, Smith said "many do not have the requisite attitudes and lifestyle diversity. I have yet to be convinced that a student who is racist can teach. Many say they do not want to teach minorities except as a last resort, if it is the only possibility to get a job."

Meanwhile, 95 percent of professors of education are "white European-Americans," and fewer than 5 percent have ever taught in an urban school.

Achievement Gap

"A monocultural faculty cannot do the job very well. We cannot teach about diversity in the absence of diversity. We need to reconstruct identities, values, beliefs, and lifestyles," said Smith, a NAME icon for whom the organization names its Multicultural Educator of the Year Award.

"We should be more aggressive," he concluded. "We should hire people who are anti-racists and encourage them to create a new world order. Social justice is the way to close the achievement gap. This should be the central 'disposition.'"

Smith commended long lists of books and other curricular materials to teach teachers to value the kinds of diversity valued by NCATE and NAME. Among the recommended works were ones sympathetic to black English or Ebonics, the special needs of gay and lesbian students, and bilingual education to help children retain their non-English first language.

Elevating Fact Over Feeling

While saying much about the differences known as diversity, the new NCATE standards have little to say about raising student achievement. That could be because the view of NCATE accreditors pretty much corresponds with the dominant view of the NAME conference: that standardized tests are unfair impediments to diversity.

For example, keynote speaker Peggy McIntosh, associate director of the Wellesley College Center for Research on Women, criticized tests for a "get-it-right syndrome" that elevates fact over feeling.

"African-Americans learn holistically," elaborated Smith. "They are not so concerned about specific little details. Most white kids have respect for validated knowledge. In other cultures, it has to feel like the truth."

So if the professional multiculturalists have their way, there can never be meaningful intellectual standards tied to a common core curriculum. There can only be standards for celebrating and accentuating cultural differences. If NCATE and NAME get their way, this is how all future teachers will teach.

Robert Holland is a senior fellow at the Lexington Institute, a public policy think tank in Arlington, Virginia. His email address is rholl1176@aol.com.

For more information…

WWW NCATE's January 2001 statement of "Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education" is available at **http://www.ncate.org/2000/2000stds.pdf**.

J.E. Stone discusses NCATE standards at length in "The National Council for the Accreditation of Teacher Education: Whose Standards?" available through the Education Consumers Web site at **www.education-consumers.com/articles/whose_standards.shtm.**

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CRISTO REY continued from page 1

Serving Underprivileged Students

When the Jesuit Fathers announced in January 1996 they were opening a school to serve underprivileged students, the order's Chicago provincial Fr. Bradley Schaeffer, S.J., said the Jesuits didn't know where the school would be located. The Cristo Rey school opened on the near southwest side of Chicago later in the year with a tenth-grade class.

After a slow start, the school has grown rapidly and now has about 500 students, according to Fr. John Foley, S.J., the school's president. It certainly didn't hurt that Cristo Rey was launched by the Jesuits, known in the Catholic Church as the most resourceful religious order, able to tap into a strong school alumni network for money. But with Cristo Rey, they tapped into the business resources of the area community.

At a time when many Catholic high schools are struggling to make their tuition affordable to underprivileged students, Cristo Rey officials came up with an innovative solution: Put students to work one day a week at a local business to help the school recoup the costs of educating each student. Each employer pays Cristo Rey $6,250 per student—$25,000 per year for each group of four—and the student's family chips in $2,200.

While Cristo Rey's opening was like a "shot of fear" through some urban Catholic educators who worried the new school would steal prospective students from them, Fr. Foley reported "these are kids who wouldn't even think of attending Catholic school," and that the school primarily serves first-generation Mexican-Americans.

"There's no shortage of students who want to work hard and learn. . . . The problem is accommodating them in quality schools and finding a way to pay for the operation of those schools."

Replicating the Model

With the help of a three-year start-up grant of $700,000 from the Cassin Foundation, another Catholic religious order opened a similar high school to serve underprivileged students in Oregon. The De La Salle Christian Brothers opened De La Salle North in Portland, Oregon last September, when it welcomed its first ninth-grade class.

Meanwhile, Verbum Dei High School in the Watts section of Los Angeles will implement the Cristo Rey model in September 2002, according to its president, Fr. William J. Wood, S.J. The school could grow to 400 students by 2005 from its current 191.

As with Cristo Rey, Verbum Dei will set up a nonprofit company that will employ the students and receive payments from the firms for which the students work. The school handles student transportation and usually works with companies clustered in a downtown area. Participating companies usually use the students to perform clerical tasks, and Verbum Dei will have the benefit of being able to work with financial, insurance, and law firms that have already worked with Cristo Rey in Chicago, Fr. Wood said.

With the all-boys school receiving $6,000 per student through a Cristo Rey-like corporate internship program, Verbum Dei will lower its tuition from $3,600 to about $2,000, Fr. Wood said. The school is 62 percent African-American and 38 percent Hispanic.

Fr. Wood's dream is to establish a scholarship endowment fund so deserving students would have to pay only $1,000 per year to attend the school. That would make Verbum Dei more affordable to local residents.

"Parents at first didn't understand it," Fr. Wood said of the Cristo Rey model. "There was some resistance. 'Why does my kid have to work to go to school?'" he said. But by the fall of 2001, there seemed to be broad support for the upcoming implementation.

Verbum Dei received $700,000 in 1999-2000 and $500,000 for the past academic year from the Archdiocese of Los Angeles. Cost-cutters from the archdiocese had eliminated the dean of students, admissions, and vice principal positions by the time Fr. Wood came to the school in 2000. Last year, the school had about $100,000 in uncollected tuition.

"Each employer pays Cristo Rey $6,250 per student . . . and the student's family chips in $2,200."

"The Catholic Church has been subsidizing inner-city education for 20 years and hasn't figured out how to finance it," Fr. Wood said. His school's name means "Word of God," in Latin, while "Cristo Rey" means "Christ the King" in Spanish.

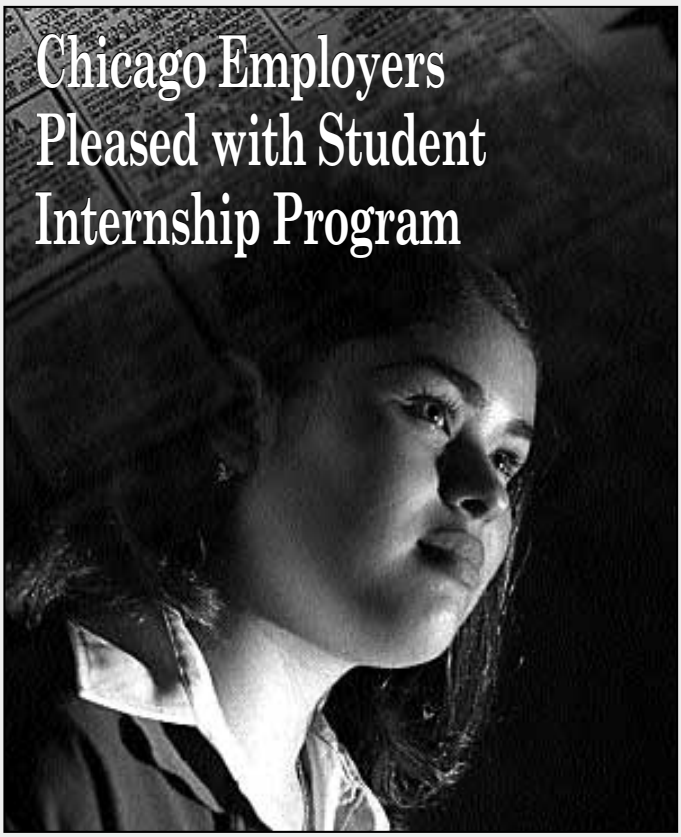
Feasibility Studies

With the help of Cassin Foundation grants, Catholic educators are performing feasibility studies in Austin, Boston, Cleveland, Denver, New York, and Tucson, according to Thielman.

The foundation also seeks to establish middle schools based on the successful Nativity Prep/San Miguel models. Those schools, which serve at-risk children in more than 30 poor communities across the country, educate approximately 75 students and rely on a combination of volunteers and master teachers to provide intensive instruction to children who have struggled academically and socially. (See "Nativity School Model Being Replicated," *School Reform News*, December 2001.)

William Murray is a freelance writer in Rockville, Maryland. His email address is wamurray@familink.com.

Chicago Employers Pleased with Student Internship Program



BY WILLIAM MURRAY

By participating in a Catholic high school's corporate internship program, financial companies and law firms in Chicago are able to give back to the community while getting tangible work in return.

Each employer pays the Cristo Rey Jesuit High School $25,000 per year for a group of four students, who work one day a week at the firm. Officials at participating firms are positive about the program.

"The students are very conscientious and professional. They're less likely to socialize at work, in part because of their age," said Paula Kendall, the human resources and support services director at law firm Katten Muchin Zavis, which employs more Cristo Rey students than any other firm in the city. She said the 32 students who work there rarely show up late, and they have come to work on snow days and even in the midst of flooding.

An unexpected benefit of the program is that it gives the firm's employees a chance to manage and coach the students in a non-threatening environment, according to Kendall. She said Katten Muchin Zavis plans to be a corporate internship sponsor for Verbum Dei High School's program next year in Los Angeles.

"We have a lot of experience working with teenage students. We can pass that on to the Los Angeles office," Kendall said.

Jim Koontz, records manager at investment management firm UBS Asset Management/ Brinson Partners, called the absentee rate "essentially zero" for his four Cristo Rey students. As at other organizations, some students have shown an interest in working for Brinson Partners when they complete their schooling.

"The students are very conscientious and professional."

PAULA KENDALL
HUMAN RESOURCES DIRECTOR
KATTEN MUCHIN ZAVIS

The dozen Cristo Rey students working at the law firm of Mayer, Brown & Platt have a "very, very low" absentee rate, said human resources supervisor Vanessa Garcia. She said the school coaches the students well regarding how to fit into a corporate environment and relate to authority figures. The students answer the telephones, fill supplies orders, and photocopy documents in the firm's records center.

At Katten Muchin Zavis, Cristo Rey students have shown an interest in working in accounting, desktop publishing, human resources, information systems, and marketing, Kendall said. At Brinson Partners, the students are put through business training to enable them to better understand the firm's work and operations, according to Brad Wachter, head of education and development at the company.

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Students Want to Be Held to High Standards

But schools don't challenge, and educators have low expectations

BY LARRY PARKER

A recent poll of principals, teachers, and students reveals a major disconnect between the views of educators and the views of students about accountability and expectations.

While most principals and teachers think their schools set high academic standards, most students disagree. And while most minority students have high expectations for their own futures, few of their teachers and principals share that perspective.

In the reams of newsprint devoted to reporting on the education reform movement, there is predictable support for tough standards from state education officials and parents. There's also equally unsurprising criticism of "teaching to the test" from the teacher unions and academics.

But there's one group whose opinion rarely is solicited: the customers—the schoolchildren. A recent, comprehensive, nationwide survey helps correct that oversight.

"America's teenagers want to be held to high standards. But their teachers and principals, they report, are not meeting their high expectations."

Teachers, Principals Fail Students

The results from the survey validate President George W. Bush's comment that many of America's public schools reflect "the soft bigotry of low expectations." The results show that America's teenagers *want* to be held to high standards. But their teachers and principals, they report, are not meeting their high expectations.

Titled "The MetLife Survey of the American Teacher 2001: Key Elements of Quality Schools," the poll was conducted by Harris Interactive between March and May of last year for the Metropolitan Life Foundation and the Committee for Economic Development. Harris interviewed 1,273 K-12 teachers, 1,004 K-12 principals, and 2,049 middle and high school students.

Comparing the results to simultaneous interviews with teachers and principals, the poll concluded, "Students', teachers', and principals' descriptions of their schools are often so different from each other that it seems each experiences a different reality."

- Only 38 percent of students—compared with 60 percent of teachers and 71 percent of principals—believe the academic standards at their school are "high."
- Only 23 percent of students—compared with 48 percent of teachers and 67 percent of principals—describe their classes as "challenging."

Students the Only Realists

This pattern—with principals as Candide-like optimists, students as hardened realists, and teachers somewhere in between—persisted throughout the poll.

For example, only 4 percent of principals—but 14 percent of teachers and 16 percent of students—agreed with the statement: "Many students in my school are promoted to the next grade without really being ready."

A full 26 percent of D and F students—those most likely to be well-informed on this issue—agreed that many students were promoted without being ready.

Meanwhile, 65 percent of all students agreed with the statement: "I could have learned more at school this year." Yet 75 percent of principals and 71 percent of teachers agreed with the statement, "Most of my students will achieve their full academic potential this school year."

A full 55 percent of A students—again, those most likely to know—agreed they could have learned more.

"If my board of directors saw students feeling about me the way students in this survey seem to feel about their principals, they'd replace me," said Irasema Salcido, principal of Cesar Chavez Public Charter High School for Public Policy in Washington, DC, at an early October press conference announcing the poll results. "Kids want someone who will challenge them."

Students were allowed to write in open-ended responses to the questions. Among the more telling were this one from an eighth-grade boy: "School is not a bad place to be—if you are lucky to be in one of the great schools with such high standards."

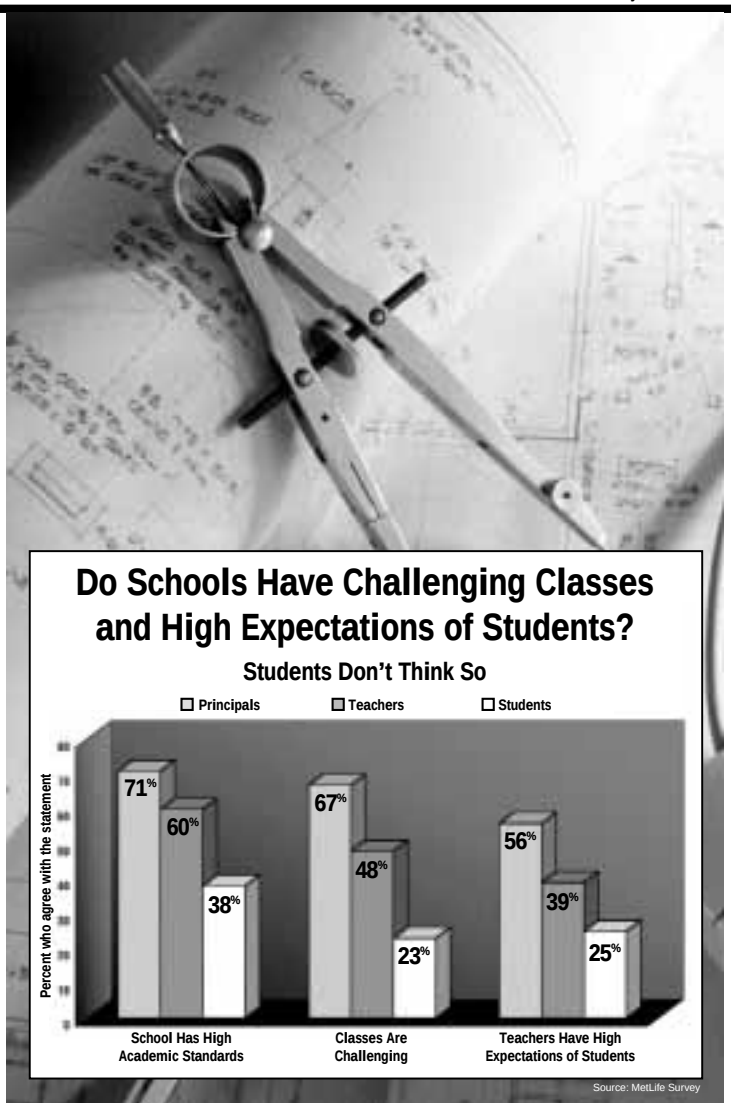
Add this one from a male high school junior: ". . . I can't remember the last time I learned something new. . . . I just get sick of the busy work, and usually just end up throwing it aside and not doing it. I want to be LEARNING things."

"If my board of directors saw students feeling about me the way students in this survey seem to feel about their principals, they'd replace me."

IRASEMA SALCIDO, PRINCIPAL
CESAR CHAVEZ PUBLIC CHARTER HIGH SCHOOL
FOR PUBLIC POLICY

Lower Expectations for Minorities

What both the polltakers and the Council for Basic Education, in an accompanying press release, called the most "disturbing" finding of the survey was that "teachers and principals in heavily minority schools have lower expectations for their students."



Some 69 percent of teens said they had high expectations for their future. There was no racial stratification in those numbers; Hispanics were equally likely as whites to be optimistic, and blacks *more* likely than average (81 percent) to look forward to the future.

But only 25 percent of students expressed strong agreement with the statement, "Teachers in my school have high expectations for all students." By contrast, 39 percent of their teachers and 56 percent of their principals agreed with that statement.

At the press conference, high school teacher Jeremy Copeland of Brooklyn—an African-American himself—unwittingly demonstrated the survey's findings when asked why he thought black teens had such a positive view of the future.

"They think they're going to become basketball players or rap stars," Copeland said with obvious cynicism.

Larry Parker is senior reporter for Teacher Choice at the Alexis de Tocqueville Institution. His e-mail address is lparker@adti.net.

Teens: Coasting Still Brings Good Grades

High school students surveyed by Public Agenda in 1997 said good grades could be achieved without much effort and agreed that higher academic standards, which they supported, would make them work harder and learn more. (See "Teen Survey Gives Private Schools Outstanding Ratings," *School Reform News*, April 1997.)

Here's what public school students said in that survey:

- 84 percent thought schools should expect the same of inner-city students as they did of their peers from middle-class backgrounds.
- 74 percent thought students should be promoted to the next grade only when they have learned the required material.
- 50 percent said too many of their classmates were allowed to be late and got by without doing their work.
- 71 percent of public high school students said there were too many disruptive students in class, and 82 percent supported removing disruptive students from class.

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Defense Dept. Knows How to Operate Good Schools, Too

Pentagon-run schools deliver high achievement among all students

BY GEORGE A. CLOWES

Since the consequences of failure are so devastating for the military, the U.S. Department of Defense, like a for-profit business, tends to discard procedures that prove ineffective in practice, while retaining and institutionalizing those that are effective.

Although the Pentagon operates 227 schools to serve the 112,000 children of U.S. military personnel living on bases in the U.S. and abroad, there was little interest in how the military operated those schools . . . until results from the 1998 National Assessment of Educational Progress revealed high achievement levels among students at DOD-run schools. Achievement levels among minority students were particularly outstanding.

If the DOD schools were combined and considered as one state in the NAEP tests, they would rank among the top-performing states in reading, writing, and science. Hispanic and African-American students in DOD schools were either first or second in the nation in 8th-grade NAEP 1998 reading and writing tests.

Education Secretary Rod Paige recently singled out superior DOD school performance in the 2000 NAEP science tests. (See "Weak Science Scores Dim Hopes for High-Tech Workforce of the Future," page 1.)

Remarkably, DOD schools achieve these results despite facing challenges similar to many public schools: high rates of poverty among students, a high percentage of minority students, most parents with only a high school education, and frequent moves from school to school. What intrigued researchers at Vanderbilt University was how DOD schools could take diverse, highly mobile groups of students and do so well.

"The DOD formula may be one of the best-kept secrets in education, until now."

INDIANA GOVERNOR FRANK O'BANNON
CHAIRMAN
NATIONAL EDUCATION GOALS PANEL

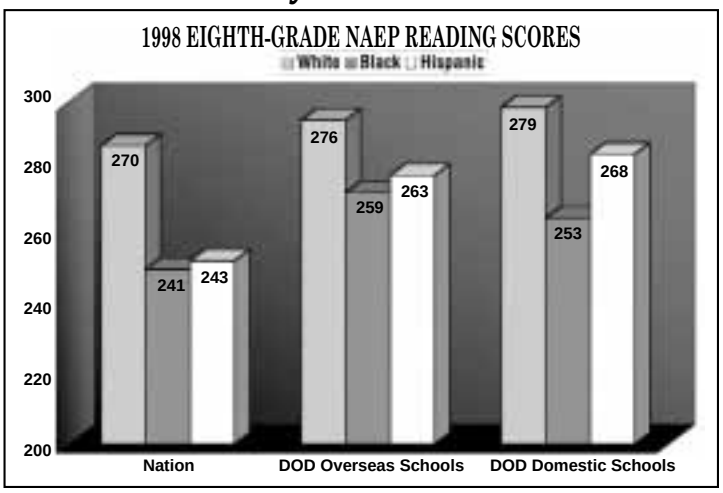
In a new National Education Goals Panel study of the DOD-run schools, researchers Claire Smrekar, James W. Guthrie, Debra E. Owens, and Pearl G. Sims conclude that strategic planning, accountability, and smaller schools are key factors in raising student performance and significantly narrowing the achievement gap between white and non-white students. Specifically, they found the DOD schools boast:

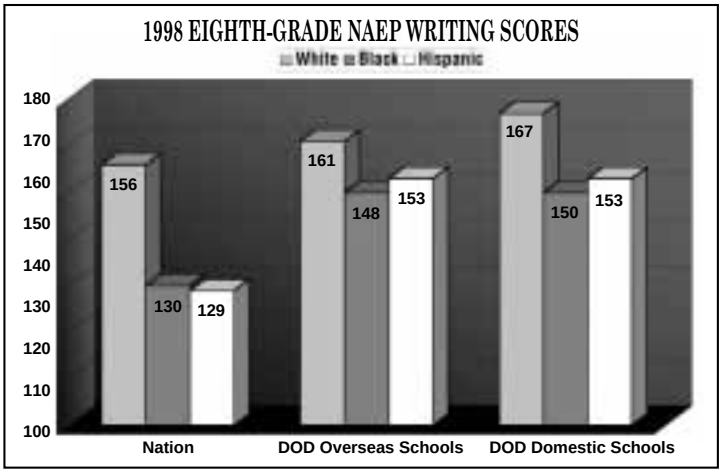
- centralized standards with local decision-making for achievement of results;
- standardized testing of all students;
- curriculum and professional development aligned with strategic learning goals;
- high expectations for all students;
- competitive pay scales and virtually no out-of-field teaching;
- quality pre-school and after-school programs;
- smaller schools—fewer than 350 students in elementary schools, 600 in middle schools, and 900 in high schools; and
- a "corporate commitment" to parental involvement.

For more information…

WWW The September 2001 report by Claire Smrekar, James W. Guthrie, Debra E. Owens, and Pearl G. Sims, "March Toward Excellence: School Success and Minority Student Achievement in Department of Defense Schools," is available from the Web site of the National Education Goals Panel at **www.negp.gov/reports/DoDFinal921.pdf.**

Military Schools Excel





"The DOD formula may be one of the best-kept secrets in education, until now," said Indiana Governor Frank O'Bannon, chairman of the National Education Goals Panel.

"We recognize that the DOD school system is unique in some ways, but there are important lessons for all schools. Educators across the nation," O'Bannon urged, "should take a close look at these recommendations for improving the academic achievement of all students and closing the achievement gap."

The success formula for DOD schools is "startlingly simple and familiar," according to Education Secretary Paige: "They set high standards, they demand accountability, and they encourage parental involvement."

But the most telling comment in the report comes from one of the teachers, and perhaps reveals that having high expectations of students is the real key to the success of the DOD schools.

"Your study is looking at why minority students do better," said the teacher. "I think the answer to that question is that all our students do better. There are no 'minority' students here."

Public Schools Stifled by Bureaucracy and Politics

Handcuffed administrators can't reward good teachers—or fire bad ones

BY GEORGE A. CLOWES

When a group of individuals describes the public school system as being overly bureaucratic, riddled with politics, and hobbled by teacher tenure, such commentary usually is dismissed by public school apologists as "bashing" public education.

Yet when those views were expressed in a recent Public Agenda survey, they provoked virtually no negative response. That's because they were not the views of *outsiders*, but the considered opinions of the ultimate *insiders*: public school principals and superintendents.

While superintendents and principals across the nation believe good leadership can turn around even the most troubled schools, they also say politics and bureaucracy too often hinder their efforts, according to the survey. In fact, among superintendents, the vast majority (81 percent) cite politics and bureaucracy as the main reasons superintendents leave the field, far outweighing low pay and problems implementing higher standards.

What's more, over half of superintendents (54 percent) say they have to work around the school system to get things done, with one in 10 saying the system actually ties their hands. Over half of principals (57 percent) say even good administrators in their district are "so overwhelmed" by day-to-day management that their ability "to provide vision and leadership is stymied."

"They are convinced that strong leadership can transform schools . . . but politics and bureaucracy just eat away at them."

DEBORAH WADSWORTH, PRESIDENT
PUBLIC AGENDA

Need More Autonomy

Among the chief complaints of the superintendents and principals is a desire to eliminate teacher tenure:

- Large majorities of superintendents (76 percent) and principals (67 percent) say they need more autonomy to reward outstanding teachers.
- Large majorities of superintendents (71 percent) and principals (67 percent) also say they need more autonomy to remove ineffective teachers.
- Virtually all superintendents (96 percent) and principals (95 percent) say making it much easier to remove bad teachers—even those who have tenure—would be somewhat or very effective.

BUREAUCRACY continued on next page

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Charter School Facilities & Finance

The two biggest problems in charter school development have been identified as facilities and finance. With this column, School Reform News *aims to bring its readers the newest ideas on solving these problems.*

Capital Funding for Charter Schools

How to determine adequate funding for facilities

BY MARK HOWARD

While state law determines how much funding a charter school will receive for each of its students, the charter school operator must determine how much of that revenue should be allocated for capital outlay. To estimate this, it is first necessary to determine what a student "station" costs.

In Florida, state officials have established the cost of a student station and its expected increase for the next several years. Florida's charter school capital outlay program takes the established student station cost and divides it by 15 to identify the annual cost.

Currently, the estimated cost of an elementary student station in Florida is $12,862. Dividing this by the 15-year formula produces a figure of $857.47. This is the amount of funding a charter school operator receives from the state for each student station occupied in the charter school.

Even though Florida's formula provides a ready means of estimating the capital funding requirements for charter schools, it does not mesh with the realities of private capital markets.

Capital Financing in the Real World

If a charter school operator goes to a local bank and borrows money, the loan and interest normally would be paid back over a shorter time period than 15 years. With charter reviews coming after three to five years after startup, banks would want to schedule these loans to be paid off by the end of the chartering period.

With a five-year loan, this would require that 20 percent of the actual loan be paid off each year, plus interest. If the interest rate were 8 percent, that would mean a payment to the bank equal to 28 percent of the loan each year for five years. In the case of Florida, with the student station costing $12,862, this would translate to an annual payment of $3,601 per student station for the five-year period—an arrangement charter school operators and banks would deem infeasible. This is the practical reality that schools chartered for the short-term encounter in trying to finance long-term assets.

Fortunately, many banks are beginning to understand that charter schools are growing businesses, and that they are likely to be around longer than three or five years. Thus, most banks now will allow the loan to be paid back on an amortized schedule of 20 or 25 years. Using the Florida student station cost of $12,862 again as an example, the payment would be $1,291.34 per station per year with a 20-year amortization and an 8 percent interest rate. This is a big improvement over annual payments of $3,601 for a five-year amortization.

However, an annual payment of $1,291.34 for the creation of each student station is still 50 percent more than the $857.47 provided by the state for that purpose. The additional $433.87 must be found from other sources, such as donations to the school or from operating funds.

If the charter school capital outlay formula were reduced from 1/15th to 1/10th, the state payment would take the added interest burden of longer-term amortization into account. With a 1/10th formula in the Florida example, the state would provide 1/10th of the $12,862 cost per year, or $1,286.20, an amount very close to the likely annual payment.

Every state should be able to identify the costs of elementary, middle, and high school student stations. Using this information plus the marketplace-determined cost of borrowing, state officials could then outline a program for their state similar to the Florida model.

Mark Howard has specialized in the development of commercial properties since 1980. He owns and operates M.H. Realty Associates, Inc. in Tamarac, Florida. Readers with questions on facilities and finances are encouraged to contact him directly at mgfl@aol.com. The most frequent questions about common problems will be included in future columns.

School Building Costs: Public vs. Private

While the cost per student station in Florida is $12,862, building proposals to relieve overcrowding in the Los Angeles Unified School District have a pricetag three times higher—$42,000 to $47,000 per pupil—according to Morris Newman in an August 16 *Los Angeles Times* article.

At that price, LAUSD could easily spend over $2.5 billion to build more than 80 new schools to provide seats for 63,000 students over the next six years.

Is LAUSD likely to complete such a mammoth construction project in a timely manner? Shirley Svorny, an economics professor at California State University, Northridge, doesn't think so, based on the district's track record of bad decisions and slow action.

Instead of building new schools, Svorny suggests issuing vouchers to parents of children in overcrowded schools, so they would send their children to private schools and solve the overcrowding problem.

"[W]e need to move beyond the existing public school bureaucracy for talent and facilities," she says.

Svorny points out that a significant portion of the $7,000 or so per year the district currently spends for each student could be shifted to a voucher. That amount could be supplemented by another $2,000 per student per year towards capital expenses, such as the cost of renting, remodeling, or otherwise increasing capacity. The cost of converting buildings into private schools is about $15,000 per pupil, according to LA architect Joseph Pica.

"The private sector has already shown that building new schools is not the best or only solution to finding space," Svorny wrote in the *Los Angeles Daily News*. "Private schools have been innovative in converting residential, retail, and office properties to classrooms and administrative offices, adding space at half the cost spent by the public sector."

"LAUSD could easily spend over $2.5 billion to build more than 80 new schools to provide seats for 63,000 students over the next six years."

"Awash in Classrooms"

Another advantage of using the private sector to relieve overcrowding is that the current space shortage may be temporary. After all, notes Svorny, it wasn't long ago that LAUSD "was awash in unused classrooms." District-owned campuses sat idle for years after the baby boom. By contrast, space rented by private schools would be reabsorbed in other productive uses should the need for classrooms decline.

And, of course, there's the ever-present spur of parental oversight, which "provides incentives for schools to use voucher funds to offer clean, comfortable and safe school environments."

BUREAUCRACY continued from previous page

Hampered by Politics

The administrators also say they are often hampered by politics and bureaucracy:

- Almost seven out of 10 superintendents (69 percent) say their school boards sometimes interfere with their ability to do the job.
- Half (50 percent) of superintendents say litigation and legal issues require too much of their attention.
- Nine out of 10 superintendents (92 percent) and principals (89 percent) say it would be somewhat or very effective to give administrators "far more autonomy to run the schools while holding them accountable for getting results."

"Chafing at the Bit"

"In many ways, superintendents and principals seem to be chafing at the bit," said Public Agenda President Deborah Wadsworth. "They are convinced that strong leadership can transform schools—and they are especially eager for more power to reward good teachers and remove poor ones—but politics and bureaucracy just eat away at them."

Although nearly nine out of 10 superintendents (88 percent) say state and federal mandates are increasing "without getting the resources necessary to fulfill them," only 18 percent of superintendents and 13 percent of principals say a lack of funding overall is such a critical problem that only minimal progress can be made.

The Public Agenda report, *Trying to Stay Ahead of the Game: Superintendents and Principals Talk about School Leadership*, is based on surveys of 853 public school superintendents and 909 public school principals conducted in summer 2001. The margin of error for each group is plus or minus 3 percentage points.

Public Agenda is a nonpartisan, nonprofit research and polling organization. The survey was funded as part of LEADERS Count, a national initiative of the Wallace-Reader's Digest Funds.

For more information…

WWW Public Agenda's Web site, **www.publicagenda.org**, provides a summary of the findings, data charts, and other information related to the November 2001 report, *Trying to Stay Ahead of the Game: Superintendents and Principals Talk about School Leadership*, by Steve Farkas, Jean Johnson, Ann Duffett, and Tony Foleno, with Patrick Foley.

A printed copy of the report is available from Public Agenda for $10 plus $2 shipping and handling. Write Public Agenda at 6 East 39th Street, New York, NY 10016, or call 212/686-6610.

For more information about the LEADERS Count project, contact Jessica Schwartz, Senior Communications Officer, Wallace-Reader's Digest Funds at 212/251-9711 or via e-mail at jschwartz@wallacefunds.org.

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English Learners Not Left Behind

Agreement reached on reforming federal bilingual education

BY DON SOIFER

The education plan announced on November 30 by House and Senate Conferees includes bold and unprecedented reforms of federal bilingual education programs.

In fact, the nation's more than 3.5 million English learners—three-quarters of whom are Spanish-speaking—stand to be among the biggest winners when President George W. Bush signs the "No Child Left Behind" education plan into law, as he is expected to do. Important reforms include:

Bilingual Bias Eliminated

States will be able to choose the approach best suited to the needs of their English learners. Currently, three-fourths of federal bilingual funds are reserved for programs that teach in students' non-English, native language. The new plan eliminates that bias and instead provides funding in the form of formula grants to states to allocate however they see fit.

"States will be able to choose the approach best suited to the needs of their English learners."

Priority One: English Fluency

Improving English fluency is the bottom line. States receiving formula grants must in turn develop, and then meet, annual measurable performance objectives to track progress in improving English fluency.

Corrective actions for programs that fail to show such progress may include loss of some federal funds and/or being required to replace their method of instruction and program personnel. English learners must be tested in English after three consecutive years in U.S. schools.

The plan also requires that bilingual teachers themselves be fluent in English.

More Choice and Accountability

The reforms include expanded parental options and greater accountability. Schools must explain to parents why their child was selected for bilingual education, how specifically the programs will help their child, and when their child can be expected to graduate to an English-speaking classroom. Parents have the right to remove their child immediately from bilingual programs and to choose their child's instructional program if more than one is offered.

Dollars to the Classroom

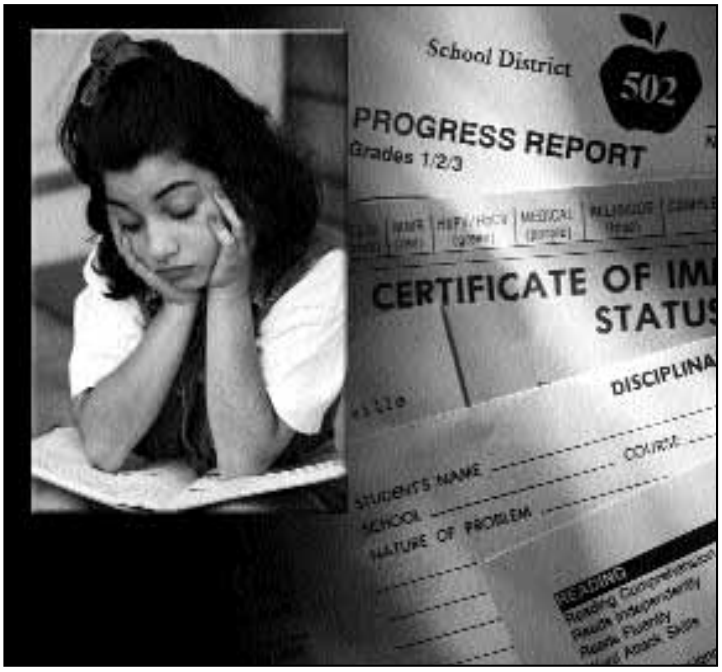
The plan mandates that 95 percent of formula grants be used by recipients to provide assistance to English learners. The remaining 5 percent can go toward a wide range of uses, including professional development, travel by teachers and administrators to National Association of Bilingual Educators' conventions, and other activities. However, administrative costs must be limited to approximately 3 percent of the total grant.

Currently, bilingual education programs are in place in all 50 states. While they vary widely, they are based on a common approach that holds that students will have an easier time acquiring English as their second language if they first concentrate on their non-English, native language.

As a result, students can remain in bilingual education programs for seven or eight years, sometimes even longer. Some federally funded bilingual education programs do not even begin to teach written English until the fifth grade.

The new agreement takes several important steps to ensure that America's English learners will have opportunities to acquire the skills they need to succeed as early as possible in their K-12 schooling.

"For too long, Limited English Proficient students have been denied the chance to master English and succeed academically," said House Education Committee Chairman John Boehner. "They've been trapped in classes taught in their native language that never give them an early chance to learn English, and federal education policy has helped keep them there."



"States receiving formula grants must in turn develop, and then meet, annual measurable performance objectives . . ."

Since California voters passed a ballot initiative in 1998, effectively ending bilingual education in the state with the nation's largest population of English learners, reform has spread rapidly throughout the nation. Voters in Arizona approved a similar measure in 2000, while initiatives are expected to appear on the ballots in Massachusetts and Colorado in 2002.

Meanwhile, policy leaders in other states have chosen to reform their bilingual programs in other ways. Connecticut adopted a 30-month limit on how long students can remain in transitional language programs, while Chicago and Denver public schools have in place a three-year limit.

In New York City, the Board of Education last year created new English immersion classes to give parents a choice of how they wanted their children to learn English. Mayor-elect Mike Bloomberg supported those reforms during his campaign.

"Speaking multiple languages is great and we should not forget our roots," he said. "But without a comprehension of English, it will be difficult to share in the American dream."

Don Soifer is executive vice president of the Lexington Institute. His email address is soifer@lexingtoninstitute.org.

Support for School Choice

Briefs on the merits of the Cleveland voucher program were submitted by the following organizations:

- Institute for Justice
- Hanna Perkins School, et al.
- State of Ohio

In addition, reflecting the significance of the case, a large number of organizations have submitted amicus briefs in support of the program:

- American Education Reform Council
- Black Alliance for Educational Options
- Becket Fund for Religious Liberty
- Brief of Amici curiae on behalf of:
  - › Center for Individual Freedom
  - › Cato Institute
  - › Milton and Rose D. Friedman Foundation
  - › Goldwater Institute
- Christian Legal Society, et al.
- Children First America, et al.
- Center for Education Reform, et al.
- Claremont Institute Center for Constitutional Jurisprudence
- Cleveland City Councilwoman Fannie Lewis
- Hugh Calkins
- National Association of Independent Schools
- New Mexico Governor Gary Johnson
- Pacific Legal Foundation, et al.
- REACH Alliance
- Solidarity Center for Law and Justice
- State of Wisconsin
- U.S. Conference of Catholic Bishops
- Vermonters for Better Education

The full text of all briefs in the case are available from the Institute for Justice Web site at www.ij.org/cases/school/facts.

U.S. Supreme Court Gets Voucher Briefs

On September 25, 2001, the U.S. Supreme Court granted review in *Zelman v. Simmons-Harris*, a lawsuit challenging the Cleveland Scholarship and Tuitioning Program, where parents direct publicly funded vouchers to the school of their choice.

In six school choice cases dating back to 1983, the Court has upheld the use of public funds in religious schools or activities if first, the aid is "neutral," with no preference for religious programs; and second, the funds are used in religious schools only as a result of "true private choice." (See related article, "Education and Religious Liberty: Key U.S. Supreme Court Rulings," on page 18.)

The Cleveland program was first enacted in 1995 in response to a crisis in the Cleveland public school system, where only one in every 14 students graduates on time with senior-level proficiency, and one in every 14 students is a victim of crime inside the schools. However, the federal courts deemed the voucher program an unconstitutional "establishment of religion" because most of the participating children are enrolled in religious schools.

The Institute for Justice's brief makes basic constitutional arguments and demonstrates the "primary effect" of the program is not to establish religion but to expand educational opportunities. More than two dozen friend-of-the-court briefs have been submitted, including one from big-city mayors John Norquist of Milwaukee and Rudolph Giuliani of New York City.

Oral arguments are expected in February or March, and a decision by the end of June.

Liberty & Law
Institute for Justice, November 2001

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Highly Mobile Students Often Are Low Achievers

Time for a common, coordinated curriculum?

BY HANNA SKANDERA AND RICHARD SOUSA

The achievement gap between advantaged and disadvantaged children is a consistent concern for those involved in education.

Although many attribute the gap to inequalities in resources and poor learning environments at home and at school, data from the United States General Accounting Office (GAO) indicate low achievement scores are related to high rates of school mobility.

One explanation for this relationship is the curricular inconsistency in the American educational system, according to University of Virginia professor E.D. Hirsch, a member of the Koret Task Force on K-12 education.

High Mobility Means Low Achievement

A common measure of mobility is the percentage of students who have transferred in or out of a school in the last year. Mobility rates range between 45 and 80 percent for inner-city schools, and between 25 and 40 percent for suburban schools.

Children from low-income families or children who attend inner-city schools are more likely than others to have changed schools frequently, where "changed schools frequently" is defined as third-graders who have changed schools three or more times since the first grade. According to the 1994 GAO study,

- About 17 percent of all third-graders—more than a half-million—have changed schools frequently.
- More than 24 percent of third-graders have attended two schools since the first grade.
- Of third-graders from low-income families (incomes below $10,000), 30 percent have changed schools frequently, compared with about 10 percent from families with incomes of $25,000 and above and 8 percent of children in families with incomes of $50,000 or more (see Chart 1).
- About 25 percent of third-graders in inner-city schools have changed schools frequently, compared with about 15 percent of third-graders in rural or suburban schools.

Many Factors Contribute to Mobility

Of the many factors that contribute to high rates of mobility in inner-city areas, three stand out: family income, population density, and home ownership.

The home environment of children from low-income families is not as stable as for those families with higher incomes. In lower-income families, the rates of illegitimacy, divorce, and single-parent households are higher and there is a greater dependence on the extended family to provide care and lodging for children. This means low-income children are shuttled from house to house more often than those from high-income families.

With lower population densities, suburban school districts often cover larger geographic areas than do inner-city districts. While a move within the inner-city almost assuredly requires a change of school, a move of equal distance in a suburban district is much less likely to require a school transfer.

Home ownership affects school mobility because renters are more common in urban areas, and they tend to move much more frequently than do homeowners. In 1999, 35 percent of renters had moved within the last year, compared with only 8 percent of homeowners.

Other comparisons of frequent school change include the following:

- About 40 percent of migrant children change schools frequently.
- White and Asian-American third-grade students change schools at a rate of approximately 12 percent; Hispanic students, 25 percent; black students, 26 percent; and Native American, 35 percent (see Chart 2).
- Among limited English proficiency children, about 34 percent change schools frequently.

These differences may reflect income differentials as evidenced by the 1990 Current Population Survey data, which found race or ethnic differences in mobility largely disappeared after accounting for home ownership and renter status.

Mobility Matters in Many Ways

In grouping children who have changed schools frequently into four income categories, the GAO study found that, within each category, children who have changed schools frequently are more likely to be below grade level in reading and math than those who have never changed schools.

Of the nation's third-graders, 41 percent of those who have changed schools frequently are low achievers—i.e., below grade level—in reading, compared with 26 percent of third-graders who have never changed schools.

Results are similar for math: 33 percent of children who have changed schools frequently are below grade level, compared with 17 percent of those who have never changed schools (see Chart 3).

In addition:

- Overall, third graders who have changed schools frequently are two-and-a-half times as likely to repeat a grade as third-graders who have never changed schools (20 versus 8 percent).
- For all income groups, children who have changed schools frequently are more likely to repeat a grade than children who have never changed schools.
- Children who changed schools four or more times by the eighth grade were at least four times more likely to drop out than those who remained in the same school; this is true even after taking into account the socioeconomic status of a child's family.

Why Does Mobility Affect Performance?

Some theorize that the lack of coherency in curricula across the United States, within states, and often between schools in the same district explains why mobility and low achievement go hand-in-hand.

After reviewing the research literature, University of Illinois professor and Koret Task Force member Herbert Walberg concluded, "common learning goals, curriculum, and assessment within states (or within an entire nation) . . . also alleviate the grave learning disabilities faced by children, especially poorly achieving children who move from one district to another with different curricula, assessment, and goals."

School choice could contribute to a partial solution by breaking the link between a child's home address and school address, thus allowing some students to remain at the same school despite moving.

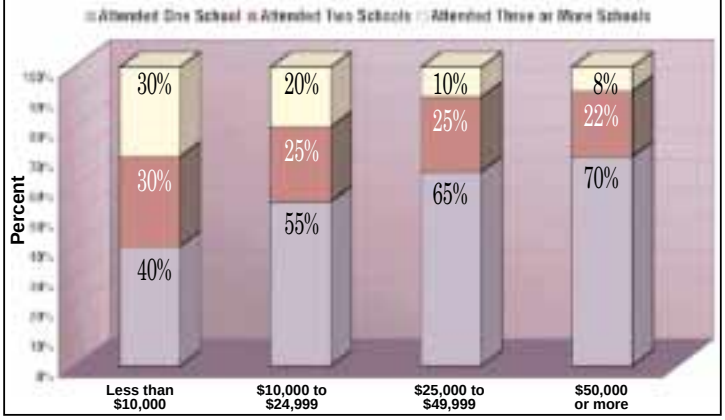
However, Hirsch and other experts argue that what is most needed is a strong and coordinated core curriculum to provide a solid, consistent foundation in the basics.

Without a coordinated sequence, too much time is spent repeating certain fundamentals of a student's education and completely ignoring others. Although choice, local control, and autonomy are important, clear standards and a coordinated sequence could provide a foundation for closing the achievement gap.

Hanna Skandera is a public affairs fellow at The Hoover Institution. Her email address is skandera@hoover.stanford.edu. Richard Sousa is an associate director at The Hoover Institution. His email address is sousa@hoover.stanford.edu. *©2002 Hanna Skandera and Richard Sousa. Reprint requests should be directed to the copyright holders.*

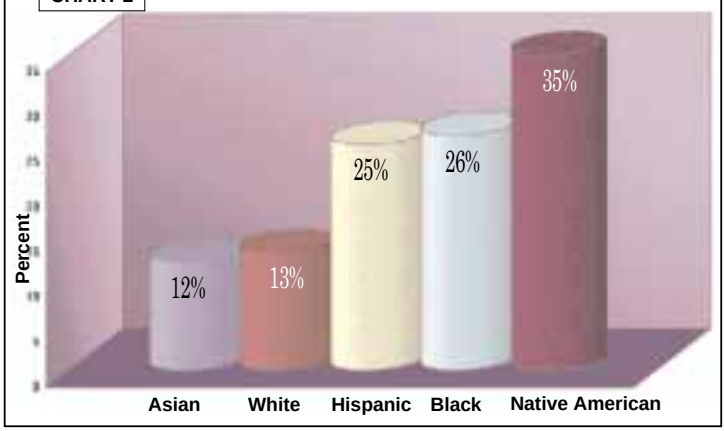
Third-Graders' Frequency of School Change by Family Income

CHART 1



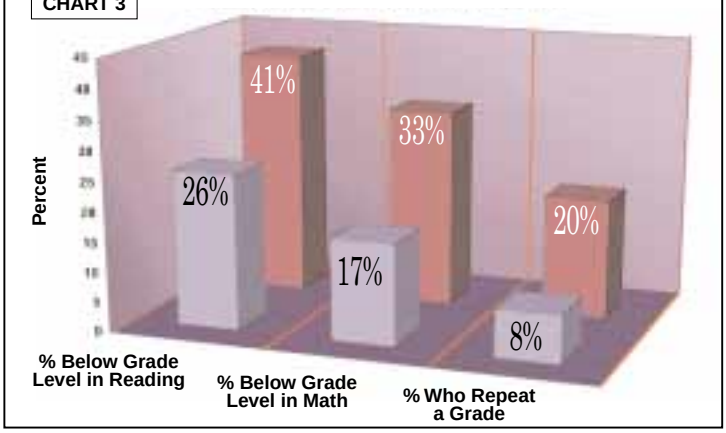
Third-Graders' Likelihood of Frequent School Change by Race/Ethnicity

CHART 2



Mobility-Achievement Comparisons

CHART 3



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"Whatever it Takes"

An interview with Clint Bolick by George A. Clowes

When Clint Bolick was ready to present arguments in support of the Milwaukee voucher program to the Wisconsin Supreme Court in 1991, he had expected to see many of the seats in the solemn courtroom occupied by children who were participating in the program. But they were not there.

Their bus had broken down en route. By the time they arrived, all the seats had been taken, and the children could not be admitted.

But when Bolick stood up to make his case, he saw the children though the courtroom's glass doors, their faces pressed up against the glass. That image of the children "on the outside, looking in," was, he said later, an apt illustration of where poor children stood in relation to good schools.

In 1998, Bolick helped win the landmark ruling in *Jackson v. Benson* when the Wisconsin Supreme Court upheld the Milwaukee Parental Choice Program.

As vice president and litigation director of the Washington, DC-based Institute for Justice, Bolick leads a nationwide effort to defend school choice programs and also to challenge regulatory barriers to entrepreneurship.

He and fellow attorney William H. "Chip" Mellor formed the public interest law firm in 1991 to challenge the reach of the regulatory welfare state and to engage in constitutional litigation for the protection of individual liberty. Today, the Institute is the nation's leading advocacy group on behalf of parental rights in education.

In addition to his involvement in defending the Milwaukee voucher program, Bolick has successfully defended school choice programs before the state supreme courts of Arizona and Ohio. He is currently defending choice programs in Florida, Cleveland, and Arizona from legal challenge.

Bolick received the Educational Freedom Award from Citizens for Educational Freedom in October 1999. The previous year, he published *Transformation: The Promise and Politics of Empowerment*, issued in August 1998 by the Institute for Contemporary Studies.

Bolick received his undergraduate degree from Drew University in 1979, planning to be a history teacher and gaining certification to teach in New Jersey. However, an interest in constitutional law took him to the University of California at Davis, where he received his law degree in 1982. He subsequently worked at Mountain States Legal Foundation in Denver, with Clarence Thomas at EEOC, and at the Justice Department in the Civil Rights Division.

After a recent move to Phoenix, Arizona to open the Institute for Justice's first state office, Bolick spoke with *School Reform News* Managing Editor George Clowes.

"You can never tell which case is going to be the precedent-setting case. And so our goal from the very beginning has been to do whatever it takes to get programs up and running and to keep them running."

CLOWES: You've been involved in important court battles all across the country to defend school choice. How did it all start?

BOLICK: That was in 1990, after I had opened the Washington office of Landmark Legal Foundation. I was ecstatic to read a small article in *The Washington Times* announcing that Milwaukee had the nation's first school choice program for low-income youngsters.

I immediately tracked down the author of the legislation, Representative Polly Williams, and it took me nearly a week to reach her. When I finally did, I asked her, "Are you prepared for the lawsuit?" and she uttered the immortal words, "What lawsuit?"

Within weeks, we were in court, and we had to fight a two-front battle. The first was defending the program on behalf of parents and children, and the second was attacking a blizzard of regulations that had been imposed by the Superintendent of Public Instruction, Burt Grover. We had to win both of those battles over the course of the summer of 1990 in order for the program to open in the fall. We were successful, and we haven't looked back.

Initially, it was a tiny program limited to a thousand children and non-sectarian schools. Yet even then, the teachers' union recognized that it had to fight every single school choice battle as if its existence depended upon it. No matter how small the program, it is a central assault on the monopoly of government schooling, and the teachers' union regards every school choice program in that way.

That's why, when Chip Mellor and I opened the Institute for Justice in 1991, we vowed to defend every school choice program, in effect taking the opposite perspective from the teachers' union.

We also felt that we could not leave it up to state attorneys general to passionately and effectively defend school choice programs. You can never tell which case is going to be the precedent-setting case. And so our goal from the very beginning has been to do whatever it takes to get programs up and running and to keep them running.

CLOWES: Which federal constitutional issues does school choice raise, and which ones are involved in the Cleveland voucher case?

BOLICK: The only issue in the Cleveland case is whether a school choice program that includes religious schools constitutes an establishment of religion. It's an establishment clause issue. The question presented to the U.S. Supreme Court is whether the fact that a large majority of children in a school choice program have enrolled in religious schools should render the program unconstitutional.

Our job before the court is to demonstrate that the primary effect of the program is not to advance religion but to expand educational opportunities.

We could see that the battle lines were drawn in exactly that fashion from the very first day of newspaper coverage.

One of the things that we will point out is that suburban public schools were invited to participate in the Cleveland choice program. Unlike private schools, which just receive the $2,150 scholarship, the suburban schools would receive the scholarship money plus the base amount of per-pupil aid provided by the state.

Out of two dozen suburban public school districts surrounding Cleveland, a whopping zero answered the call to participate. It was mainly Catholic schools that participated.

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What the lower court decision amounts to is this: Because the only schools that were willing to throw an educational life preserver to Cleveland school children were mainly Catholic, then no schools will be permitted to throw a life preserver.

I'm hopeful the court will recognize that is a tortured reading of the establishment clause. I'm optimistic that we will get a very clear road map for future school choice programs no matter what happens in this case.

Another reason that a high percentage of the voucher students in Cleveland are enrolled in religious schools is because the non-sectarian private schools there can become charter schools and then collect twice as much per-pupil aid from the state as they would if they were voucher schools. In fact, a number of private academies have transformed themselves from scholarship-redeeming private schools into charter schools.

Ohio is ground zero for the fight over charter schools, and we in the school choice movement really need to support them.

CLOWES: What about that other aspect of religious freedom in the First Amendment, the "free exercise" clause?

BOLICK: There are actually three other issues on the horizon. The free exercise issue is, in fact, present in the Cleveland program in an indirect way.

The free exercise guarantee is the flip side of the prohibition against the establishment of religion. The fact that there is a guarantee of the free exercise of religion informs any constitutional decision regarding the establishment clause. It also impels a reading of the First Amendment that obligates government to act with neutrality towards religion—neither to prefer religion, nor to discriminate against it.

"[M]ost of the students who enter school choice programs are in a downward trajectory. Simply arresting that trajectory is an achievement in itself."

That neutrality is the middle ground towards which the U.S. Supreme Court has been steering in recent years. That makes us very hopeful about the outcome because the Cleveland program does not provide any preferential treatment to religious schools. But to exclude them from the range of choice could in fact hinder the free exercise of religion.

Now, once this battle is over and—hopefully—successfully concluded, there will be three federal issues remaining.

One is to confront state constitutions that have erected obstacles to school choice. There, the free exercise clause is our strongest weapon. We will argue that state constitutions that prohibit religious schools from school choice programs in fact discriminate against religion. That will be a major wave of litigation that will have to be fought in a significant number of states.

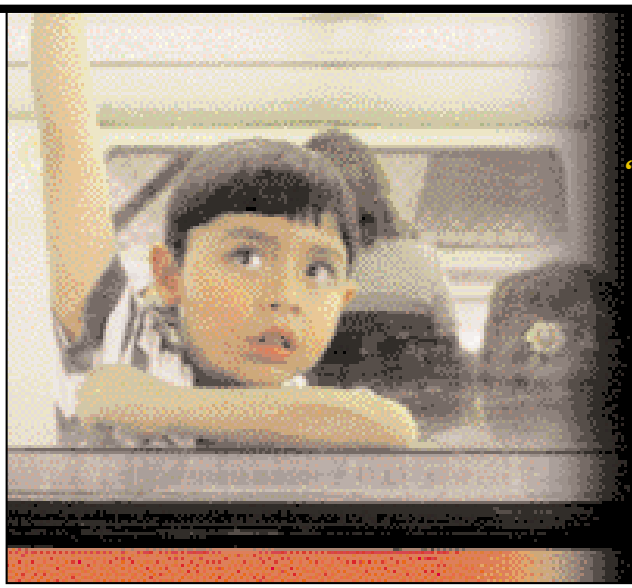
Fortunately, we have won that battle already in Ohio, Wisconsin, and Arizona, where we had to get through the state supreme courts before we could even reach the U.S. Supreme Court. We are fighting that battle in earnest right now in Florida, and we will have to go state-by-state until that battle is won.

The other two federal issues that have not yet raised their heads but inevitably will are desegregation and the Individuals with Disabilities Education Act.

If the McKay Scholarship Program is challenged, then Florida may be the first place where the IDEA issue is raised. In the meantime, what people in Florida and elsewhere are finding is that school choice actually does expand opportunities for disabled youngsters. It does not contract them.

With respect to the desegregation issues, the NAACP and other groups contend that school choice diminishes educational opportunities for minorities. In the two dozen or so states that still have desegregation decrees, they would argue that it hampers school desegregation efforts.

We're actually fighting that battle right now in the charter school context in East Baton Rouge, Louisiana, where a charter school was halted by the Justice Department in part because it was going to enroll too many black youngsters, which would upset the racial balance in the school district. It's a perverse notion that the concept of desegregation can be used to thwart high-quality educational opportunities for minority children.



"[W]e vowed to defend every school choice program, in effect taking the opposite perspective from the teachers' union."

CLOWES: How should a school choice program be structured so that it meets constitutional muster?

BOLICK: There really are only three key elements.

- First of all, the program should encompass as many choices as possible—including public school choices—to the maximum feasible extent.
- Second, there should be no provision in the program that makes it more advantageous to choose a private school than a public school.
- Finally, the funds should be directed to private schools only through the independent choices of the parents.

If you have those three elements, in our view, you have a constitutional school choice program. Beyond that, it is essential that the design of the program be tailored to local realities. Local realities define the realm of the possible and taking them into consideration could make the difference between enacting a school choice program or not enacting one.

CLOWES: What is the most shameless courtroom argument you've heard used against school choice?

BOLICK: One that has made my blood boil more than any other came early in the Cleveland case when the Ohio Federation of Teachers argued that parents in school choice programs were "inconsequential conduits" for the transmission of aid from the state to religious schools, and that the idea of parental choice was a fig leaf for a "money-laundering scheme." They argued that the program was a direct subsidy of religious schools and that the parents were used simply as pawns in this process.

I got up and said that the parents were not inconsequential conduits and in fact were consequential in the process for the very first time ever. In fact, I may pull that whole argument out of mothballs in the U.S. Supreme Court because it is so central to what all of this is about. But that concept inflamed me more than any other.

CLOWES: Some school choice advocates are promoting tax credits over vouchers on the grounds that they're less likely to be attacked. Since you've defended vouchers, tuition tax credits, and scholarship tax credits in court, do you see any difference in the levels of opposition to these different proposals?

BOLICK: No. The education establishment is dead set against any type of school choice.

I think that they find vouchers more threatening because they represent a redefinition of public education and result in an immediate and tangible shift of funding from public schools to private schools. But it's only a marginal difference, and we have seen tenacious opposition to tax credits as well.

It's also premature for us to be picking and choosing among school choice programs. Although the school choice movement has progressed dramatically over the last 10 years and has matured into an amazingly effective movement, our approach must be ecumenical. If we start dissolving into battles amongst ourselves, then we will be aiding and abetting the education establishment and the status quo.

When someone asks, "Do you support tax credits or vouchers?" the only correct answer is, "Yes." Some day we will have the luxury of debating which school choice program is superior, but not yet.

CLOWES: My last question has to do with the rationale for school choice. Should school failure be the reason for providing school choice, and superior academic results be the reason for keeping it?

BOLICK: Ultimately, I think that school choice should be the right of every school child in America. I am much more ambivalent about how we get there.

"Ultimately, I think that school choice should be the right of every school child in America."

As a result, I have been very supportive of any type of program that would introduce the concept of school choice. But in the design aspects of school choice programs, we have to be very careful not to set the programs up for failure.

To give an example, most of the students who enter school choice programs are in a downward trajectory. Simply arresting that trajectory is an achievement in itself. We have to be careful not to demand rising test scores for school choice, because it may take a couple of years to get to that point.

Beyond that, I think that the broader the program, the better. If we have to start with failing schools as a means to deliver school choice and to enforce the states' guarantee of high-quality educational opportunities, I'm all in favor of it. I think it's worked very well in Florida in terms of prodding public schools to improve their product, which is part of the overall goal.

The concluding point along those lines is that choice begets choice. Once we introduce the concept of school choice, it will only grow. Our objective has to be to get the seed planted. Whatever that seed looks like in the beginning, it's going to grow into a beautiful flower over time.

We're at a tremendous point in the movement's history in the U.S. Supreme Court, but it's critical for people to understand that we could not be there, and we could not be in as good a position as we are, if it were not for a very broad, passionate, dedicated, and ecumenical movement. This is an effort that goes far beyond the handful of lawyers that is involved.

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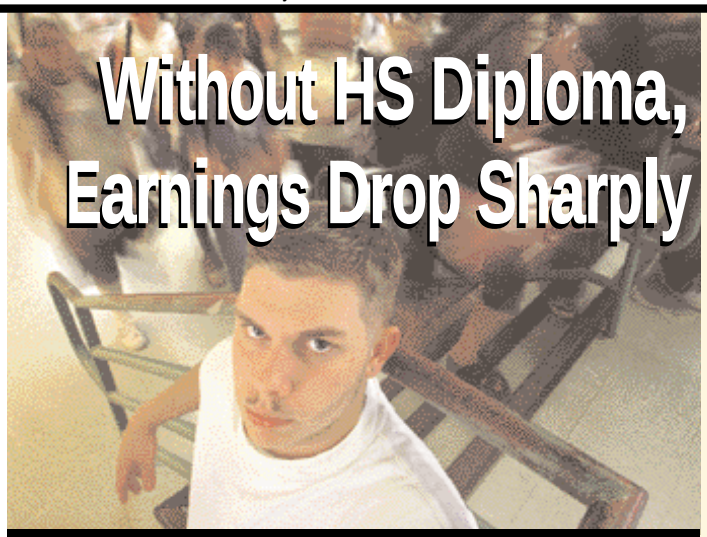
Without HS Diploma, Earnings Drop Sharply



Anthony English dropped out of Arlington (Texas) High School, but returned after he discovered the employment market offers little for those without a diploma. *photo/Jim Mahony*

While money isn't everything, "It sure comes in useful down here," as the cash-strapped George Bailey explained to Clarence the angel in *It's a Wonderful Life*.

According to 1999 U.S. Census Bureau data, high school graduates have a median household income of $35,744. Going to college increases that base income sharply, with bachelor's, master's, and professional degrees increasing median income by 80, 108, and 180 percent, respectively.

Without a high school diploma, household income drops sharply: by 39 percent for a high school dropout, and by 52 percent for an adult who never attended high school.

Source: Census Bureau, 1999

DROPOUT continued from page 1

same levels of exertion and knowledge to acquire as a high school diploma, nor does a GED command the same value as a real diploma in the job market.

Furthermore, the NCES data are flawed because they rely on self-reporting of educational status. Since that requires people to admit they are high school dropouts, the procedure likely results in a serious undercount of dropouts.

Greene calculated graduation rates by a method both simpler and more likely to depict the true successes or failures of public school systems. He identified the 1993 eighth-grade enrollments for each jurisdiction and for each racial/ethnic group. He then collected data on the number of regular high school diplomas awarded in 1998 when those students should have been graduating. He also adjusted the data to account for students moving into or out of an area during that five-year period.

The most revealing findings were the wide disparities among major urban areas, states, and racial/ethnic groups.

Five of the nation's 50 largest school districts had graduation rates below 50 percent. Cleveland was unchallenged for the cellar, with only 28 percent of its students completing high school. Cities with the next lowest graduation rates were Memphis (42 percent), Milwaukee (43 percent), Columbus (45 percent), and Chicago (47 percent).

Blacks Fare Worst in Cleveland and Milwaukee

Cleveland also had the lowest graduation rate among African-Americans (29 percent) and Latinos (26 percent). Milwaukee had the second lowest black graduation rate (34 percent).

"Reviewing the findings of this report—including the horrific graduation rates in such cities as Cleveland and Milwaukee—it is no wonder why parents there have led the fight for education vouchers and other new educational options for their children," BEAO's Caire commented.

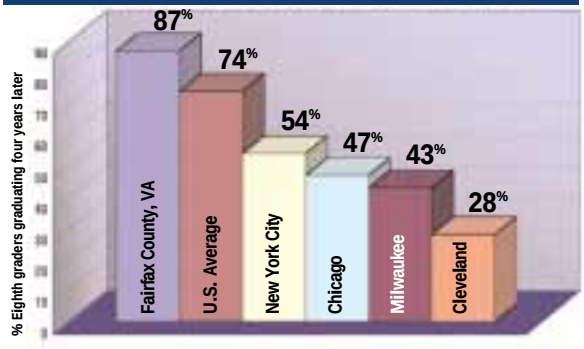
"America is not a land of equal educational opportunity for economically disadvantaged students, and these findings show us the consequences," commented John Boehner, chairman of the House Education and the Workforce Committee.

"Children who do not earn a high school diploma, much less a college degree, will have a much more difficult time achieving the American dream," he continued. "Fundamental changes are needed in our public education system to increase accountability and give new options to parents with children in schools that refuse to change."

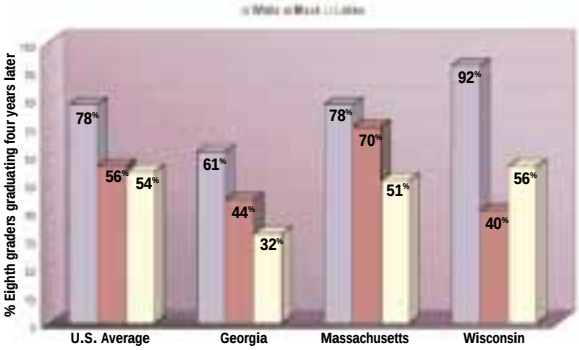
The U.S. Supreme Court has accepted for review the question of the constitutionality of Cleveland's publicly funded vouchers, which have enabled 4,000 children to escape the failing public schools for private-sector alternatives.

The large school districts with the highest graduation rates were Fairfax County, Virginia (87 percent), Montgomery County, Maryland (85 percent), Albuquerque, New Mexico (83 percent), Boston (82 percent), Jordan, Utah (80 percent), and Virginia Beach, Virginia (80 percent).

U.S. High School Graduation Rates in Major Cities: 1998



U.S. High School Graduation Rates Per Ethnic Group: 1998



A look at state-by-state data was not flattering to Georgia, which had the lowest overall graduation rate in the country, at 57 percent, followed by Tennessee (59 percent), and Mississippi and the District of Columbia, tied at 60 percent. Georgia and Tennessee were also among the states where fewer than half of black students graduated.

Anomalies in Wisconsin and Minnesota

But the BAEO study unearthed an intriguing anomaly: Some of the states with the best overall graduation rates had some of the worst rates for African-Americans. Even though Wisconsin had the second-best overall graduation rate (87 percent), it had the worst graduation rate for African-Americans (40 percent). Similarly, Minnesota had the second-worst African-American graduation rate (43 percent), but one of the highest overall graduating rates. In those two states, white students were twice as likely to graduate as black students.

Nationally, the graduation rate for African-American students was 56 percent. Several states performed significantly above that level. West Virginia had the highest graduation rate for African-Americans (71 percent), followed by Massachusetts (70 percent), Arkansas (67 percent), and New Jersey (66 percent).

"Five of the nation's 50 largest school districts had graduation rates below 50 percent. Cleveland was unchallenged for the cellar, with only 28 percent of its students completing high school. Cities with the next lowest graduation rates were Memphis (42 percent), Milwaukee (43 percent), Columbus (45 percent), and Chicago (47 percent)."

The national graduation rate for Latinos was 54 percent. The lowest-scoring states in this category were Georgia (32 percent), Alabama (33 percent), Tennessee (38 percent), North Carolina (38 percent), Nevada (40 percent), Oregon (43 percent), Colorado (47 percent), and Arkansas (48 percent).

Montana had the highest graduation rate for Latino students (82 percent), a statistic that should be tempered by recognition that Montana has few Latino students. Perhaps the best performers in this category were Maryland and Louisiana, each with 70 percent graduation rates for Latinos.

"Implausible" School Dropout Reports

Greene offered some withering commentary on school bureaucrats' use of "event dropouts"—the students who leave school within one year—to issue dropout reports. In order to look good, central offices often assume children moved out of town or followed some route other than dropping out of school.

That method results in implausible reports, such as one from the Dallas Independent School District claiming an annual dropout rate of only 1.3 percent. The BAEO study, by contrast, shows Dallas' graduation rate is just 52 percent.

"If only 1.3 percent of students drop out each year," asked Greene, "how is it that Dallas had 9,924 students in 8th grade in 1993 but only 5,659 graduates in 1998, while the total student population in the district went up by 10.5 percent?" There is simply no other reasonable explanation for several thousand missing students than that they dropped out, "making the 1.3 percent event dropout rate simply unbelievable."

Greene urged the NCES to vastly improve the quality of data on high school completion, a key measure of educational quality. While the federal government annually spends $40 million for the National Assessment of Educational Progress, which the NCES uses to document student acquisition of knowledge, it spends less than $1 million collecting dropout/high school completion statistics.

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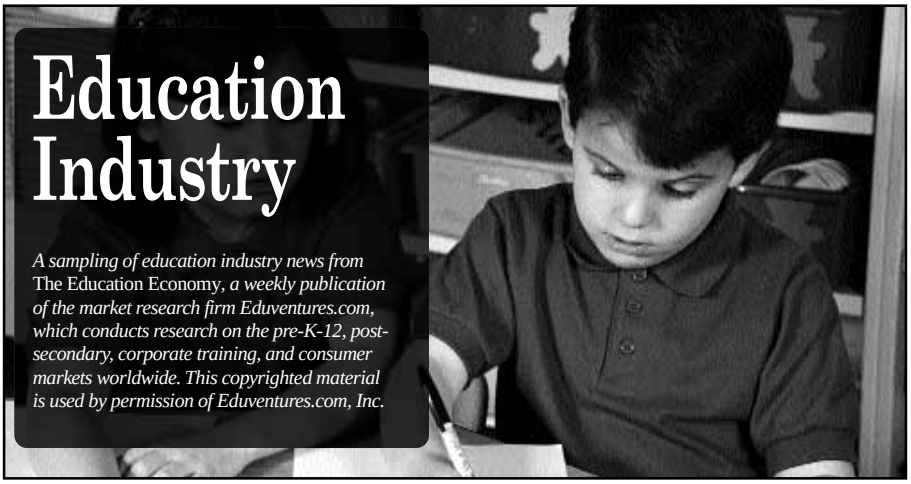
Education Industry



A sampling of education industry news from The Education Economy, *a weekly publication of the market research firm Eduventures.com, which conducts research on the pre-K-12, post-secondary, corporate training, and consumer markets worldwide. This copyrighted material is used by permission of Eduventures.com, Inc.*

Bouncing Back?

"A brace of fresh business deals, partnership announcements, and product launches has brought renewed vigor to the K-12 learning market," reported **Eduventures** Executive Vice President Peter J. Stokes in *The Education Economy* on November 15.

"After drawing a blank in the private investment sweepstakes in Q2 and then scraping by with only $13 million over three deals in Q3, the K-12 market businesses have garnered investments totaling more than $28 million in October alone—a sign, perhaps, that conditions in this sector are on the mend."

Carnegie Learning Secures $14 Million

Carnegie Learning, Inc., a provider of K-12 education software that was spun-off from **Carnegie Mellon University**, announced on October 17 that it raised $14 million in second round financing. Investors included **Carnegie Mellon University, Collier Investments, Ltd.**, and **Draper Triangle Ventures**. Company president and CEO Robert Longo resigned but will continue to consult with the company during the transition period.

Clever Island Secures $5 Million

Clever Island, an online educational service for children from three to eight, announced on October 23 that it closed a $5 million third round of financing to fund its strategic growth, including expansion into Asia, Europe, and Latin America. **Coral Ventures, Montefiore Partners**, and **Poalim Capital Markets** led the round with additional funding from previous investors.

Co-nect Sells Simplexis e-Procurement Assets

Co-nect, Inc., a provider of K-12 teacher professional development and school improvement services, announced on November 13 it sold the e-procurement assets of **Simplexis, Inc.** to **PublicBuy.net**. Co-nect and Simplexis merged in July 2001, providing Co-nect with a substantial cash infusion. In total, the merger with Simplexis and the announced asset sale nets Co-nect over $10 million in cash.

Edison Schools Gets $35 Million

Edison Schools Inc., a private manager of public schools, announced on November 5 it has closed on a $35 million credit facility with **Merrill Lynch**. The financing provides for certain receivables to be sold or contributed to a wholly owned special purpose company, **Edison Receivables Company** LLC, which can draw on the credit line to fund the purchases.

Online Education Consortium Created

Fourteen states have joined together to form the U.S. Open **e-Learning Consortium** in order to share online educational tools developed by individual member states, according to the November 7 *Education Week*.

Members are seeking to collaborate on educational technologies such as online education, assessment tools, technical standards, software features, student information systems, and administrative functions. Participating states are Arizona, Colorado, Connecticut, Hawaii, Indiana, Iowa, Massachusetts, Maine, Michigan, Minnesota, New York, Oklahoma, Oregon, and South Carolina.

Pearson Education Will Offer Early Testing Tools

On October 24, **Pearson Education**, the global education business of **Pearson plc**, announced the purchase of **Rebus Inc.**, a developer of screening and assessment tools for use with young children. With the acquisition, Pearson Early Learning will offer to schools research-based tools designed to detect developmental delays, help improve instruction, and further child development.

School Specialty Acquires Premier School Agendas

On November 13, **School Specialty, Inc.**, a provider of supplemental educational supplies for the pre-K-12 market, announced a $152 million acquisition of the stock of **Premier School Agendas**, a subsidiary of **Franklin Covey** that creates customized student academic planners. The acquisition is part of School Specialty's strategy to increase its specialty product offerings and expand its operating margins.

Scientific Learning Receives Additional $5 Million

Scientific Learning Corporation, a provider of computer-based programs to improve the foundational skills critical to learning and reading, announced on November 9 it received an additional $5 million equity investment with its leading investor, **Warburg Pincus**.

The Education Economy is read by leading education company executives, investors, academics, policy experts and education leaders around the globe. To subscribe to The Education Economy, register online at www.eduventures.com. Eduventures.com may be reached at 20 Park Plaza, Suite 833, Boston, MA 02116, 617/426-5622, fax 617/426-5431.

Profitable First Quarter for Expanding Nobel

Learning community model delivers high-quality education

Since 1996, when Nobel Learning Communities, Inc., accelerated the expansion of its elementary school business, each fiscal year for the company has started with earnings written in red ink.

But in November, company chairman and CEO A. Jack Clegg announced the company had overcome the summer season fluctuations and shown a small profit for the fiscal 2002 first quarter, which also showed a revenue increase of 9 percent to $34 million.

"Our initiatives over this past summer to increase utilization of facilities via alternative uses, i.e. night schools, summer school, and summer camps, have paid off," said Clegg, noting record enrollment in the company's summer programs. In addition, an enhanced cost-management system was instituted at all schools.

Nobel is the market leader in the operation of non-sectarian private schools, and a national leader in special education programs with its Paladin schools. The company currently educates more than 25,000 students and operates 171 schools—private schools, charter schools, and Paladin Academies—in 15 states and provides special education services to 100 charter schools.

The pre-K/Kindergarten schools owned and operated by Nobel are curriculum-based, teaching students the early math, language, and computer skills usually taught in elementary school.

This puts Nobel students between two and three grade levels above the national average on the Stanford-9 achievement test, according to Lynn Fontana, Nobel's vice president of education. The company recently partnered with Berlitz Jr. to enhance language education programs in its elementary schools.

"[Nobel] currently educates more than 25,000 students and operates 171 schools—private schools, charter schools, and Paladin Academies—in 15 states and provides special education services to 100 charter schools."

Nobel's learning communities are clusters of Nobel-operated schools in a particular area, the newest being the metro-Naperville area in Illinois, where the company opened its sixth pre-K/Kindergarten school last October.

The philosophy behind the learning communities is that Nobel first opens and operates small pre-K/Kindergarten schools, and then opens a 300-student elementary school to absorb the students from the pre-K/Kindergarten schools.

The elementary schools, which house both traditional education classrooms and Paladin Academies to cater to special education and special needs students, then are expanded as enrollment increases.

"As we have proved in areas like Sacramento, California, and Northern Virginia, the learning community model works, and rapidly adds to the corporate bottom line," said Clegg.

Also in November, Nobel announced plans for the nationwide rollout of its Saber Academies, high schools modeled on the seven accredited high schools Nobel acquired as Houston Learning Academies in 1999. Immediate plans include expanding Saber Academies into the Plano, Texas market.

For more information...

WWW Further information about Nobel Learning Communities is available from the company's Web site at **www.nobellearning.com**.

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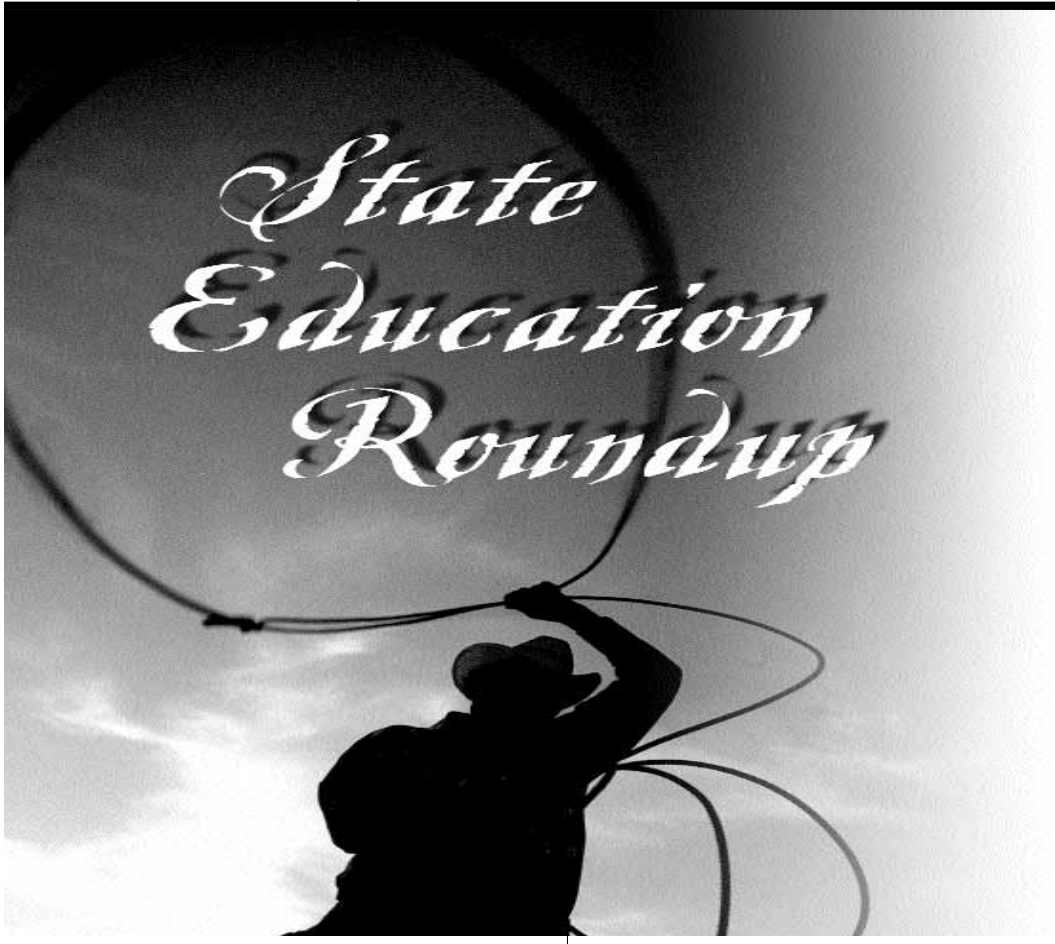

Election Roundup

Election Outcomes Disappointing for Tax Credit Supporters

New Jersey voters elected Democrat James E. McGreevey to the Governor's office on November 6, giving him a 56-42 margin of victory over GOP candidate Bret Schundler, a long-time school choice advocate who made charter schools and two education tax credit plans the center of his campaign.

McGreevey, who was endorsed by the New Jersey Education Association, emphasized teacher quality in his campaign and promised to direct more education spending to poor districts.

While Democrats rallied to support McGreevey, the Republican establishment lifted few fingers to assist Schundler, despite his advocacy of basic Republican principles. New York Mayor Rudolph Giuliani came to campaign for Schundler, but President Bush did not.

Nor did Bush go to Virginia to help the gubernatorial campaign of former state Attorney General Mark L. Earley, who lost by a margin of 48-52 on November 6 to Democrat Mark R. Warner, a wealthy businessman. Giuliani, however, did campaign for Earley.

Warner, who was endorsed by the Virginia Education Association, advocated pay raises for teachers and increased school aid. Earley, who also called for higher teacher salaries, proposed tax credits for business donations to organizations providing scholarships for low-income students to attend private schools.

Giuliani's third endorsement, of billionaire businessman Michael Bloomberg for mayor of New York City, was a winner, with voters giving the Republican a 50-47 edge over Democrat Mark Green, the city's public advocate. Green was endorsed by the United Federation of Teachers, which had backed two other Democrats who were defeated in the primary and runoff elections. Bloomberg, a Democrat who switched parties, wants to change the governance structure of the city's schools so the mayor has more control over them.

In Detroit, Kwame Kilpatrick, a 31-year-old Democratic state representative, defeated Republican candidate Gil Hill by a margin of 54-46 in the November 6 election. In a debate at the EduVentures 2000 Conference in Detroit, Kilpatrick declared he was opposed to school vouchers, which he said would "destroy public education." However, he also said: "We have to change the existing system."

ClickonDetroit.com, November 7, 2001
GOPUSA.com - November 8, 2001
Education Week - November 14, 2001

California

Secession, Like Vouchers, Defeated by Union

The California Teachers Association is probably the harshest critic of the 700,000-student Los Angeles Unified School District, according to education analyst Mike Antonucci. Decrying mismanagement, bloat, huge salaries, and hiring abuses by district officials, the union describes a district remarkably out of touch with parents, students, and taxpayers.

News of attempts to secede from LAUSD is thus unsurprising, including one effort in Carson, where families spent eight years to get a secession initiative on the November ballot that would peel off 21,000 students. Another movement is afoot in the San Fernando Valley, where two 100,000-student districts would be split from LAUSD.

But the Carson secession effort got no support from the teacher union and its affiliates, which swarmed the area with volunteers and spent $125,000—almost $18 per "no" vote—to defeat the Carson initiative by a 3-1 margin and prevent the loss of students from LAUSD.

The teacher union's efforts in crushing the Carson initiative "should illustrate once and for all that they are the sole gatekeepers of education reform in this state," said Antonucci.

The Education Intelligence Agency Communique´
November 12, 2001

Florida

Court Orders Judge Off Voucher Case

The Florida Education Association is one of the parties to a lawsuit challenging the constitutionality of the state's 1999 voucher law, which allows students at failing schools to secure publicly funded vouchers to attend a secular or religious private school.

Leon County Circuit Court Judge L. Ralph Smith ruled the program on its face was an unconstitutional use of public dollars. When the 1st District Court of Appeals overturned that ruling and the state Supreme Court let the appeals court ruling stand, the case was thrown back into Smith's circuit court.

But in the interim, Smith's son had married the daughter of an FEA staff member. Attorneys for voucher proponents moved to have Smith removed from the case, but voucher critics fought that motion, as did Smith himself.

The 1st District ordered Smith off the case on August 31, citing his objections to being removed as likely to create "an inappropriate adversarial relationship between the judge and petitioners."

"Nobody should have to go to court in a case where you have a reasonable basis to question the neutrality of the judge," Institute for Justice attorney Clark Neily told *Times* reporter Stephen Hegarty.

St. Petersburg Times
September 5, 2001

Maine

Voters OK Public Funds for Private School Students

The state of Maine has had school choice options for decades, and the taxpayers of Lewiston recently affirmed they want to continue spending money on private education.

In the November 6 election, almost 85 percent of Lewiston voters (6,412 for, 1,140 against) voted to continue paying for transportation, some secular textbooks, and a portion of testing and school nursing services for young people who attend private and parochial schools in the city.

Proponents argued the arrangement saves the city money, since it costs less to help students in private schools than it does to educate them in public institutions—as well as keeping class sizes down.

Center for Education Reform Newswire
November 13, 2001

For more information...

WWW Frank Heller's recent report on the Pine Tree State's tuitioning program, "Lessons from Maine: Education Vouchers for Students since 1873," is available at the Web site of the Cato Institute at **www.cato.org.**

Michigan

New School Choice PAC Goes On-Line

Last fall, the Great Lakes Education Project announced the creation of a new Web site, www.glep.org, to provide school choice supporters and voters with news of the upcoming 2002 elections as well as information about candidates in state races who support meaningful education reform.

GLEP is a new political action committee working to recruit, train, and fund candidates for elected office in Michigan.

"The GLEP website is designed to help voters and school choice supporters become informed about candidates in their community who favor giving parents more control of their children's education, as well as to expose candidates who support

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the status quo," said GLEP chairman Betsy DeVos. "We are working to promote only those candidates who will stand up and lead and support school choice," she added.

The Great Lakes Education Project should not be confused with another organization called the Great Lakes Center for Education Research and Practice, a self-described "think tank" recently launched by the Michigan Education Association with $200,000 in initial union funding. The Center's first action was to publish a report attacking the quality of the work of the Mackinac Center for Public Policy—but it cited no errors. While criticizing the peer review process used for Mackinac Center publications, the teacher union report itself was not subjected to any peer review process.

Similar pro-public school centers are planned for other Midwest states.

Great Lakes Education Project
News Release, October 5, 2001
Mackinac Center for Public Policy
Article, September 27, 2001

New Mexico

Johnson Continues to Press for School Choice

In November, New Mexico Governor Gary Johnson filed an amicus curiae brief supporting the Cleveland, Ohio school voucher program, arguing families should be financially empowered to choose the school that best fits their child's needs.

In the last three legislative sessions, Johnson submitted comprehensive school choice proposals to do that for New Mexico's families. His 2001 bill would have provided vouchers worth 80 percent of the public school per-pupil cost for all children to use at a traditional public, charter, private secular, or parochial school.

"Vouchers would give parents school choice and our state a means to create healthy competition among all schools to promote positive changes for the benefit of all K-12 students," said Johnson, now in the final year of his second term.

In his first term, Johnson brought new accountability to the public school system, increased teacher salaries, and dramatically increased funding for public schools. Despite those reforms, in August 2000 over one-third of the state's public schools were rated "probationary"—the lowest possible rating—and a clear majority of the state's children continue to be unable to achieve grade-level competency in reading, math, and other basic subjects.

Seeking success where traditional reforms had failed, Johnson advocated vouchers in his second term, but none of his proposals was enacted.

In the upcoming legislative session starting on January 15, 2002, Johnson will propose a new universal voucher plan and make its enactment his highest priority. In addition, his education reform proposals will:

- allow students who have completed tenth grade to test out of high school by taking a graduate equivalency exam;
- provide parental choice over class placement according to student proficiency rather than by age;
- provide merit pay for teachers, based on student achievement, gains, skills, and competencies;
- honor out-of-state teacher certification and licensure where standards meet or exceed those of New Mexico; and
- require supplementary criterion-referenced tests for grades four through seven in science and math.

The Governor's plan also calls for amending the state's charter school law to give charters first refusal rights for the leasing of any public building space, and to require capital dollars to follow a charter school student. In addition, a third chartering authority would be created with members appointed by the Governor.

Office of the Governor of New Mexico
November 30, 2001

New York

Union Stops Teachers from Helping Students

The Syracuse Teachers Association has filed a complaint that would end an effort by its own members to provide extra classes to assist failing middle school students.

In one school, three teachers teach an extra period without extra pay. At another school, sixth-grade teachers volunteered to teach an extra period for no additional pay to keep classes small and give pupils more class time. But the program ended when the union complained.

The union contends their opposition will "help" the students by preventing the teachers from being spread too thin.

"People are losing sight of the fact that we're in the business of educating children," said one parent whose child is getting extra help.

Center for Education Reform Newswire
November 13, 2001

Pennsylvania

Philadelphia Mayor and Unions Defeat "Bold" School Reform Plans

Although Pennsylvania Governor Mark Schweiker's October 31 reform plan for Philadelphia's public school system called for "a bold new effort to improve education dramatically," strong opposition from Democratic Mayor John Street, the school board, and labor unions for teachers and school service personnel caused the Republican Governor to drop a key privatization provision from the plan and to put off a November 30 deadline for state takeover of the 205,000-student system.

Philadelphians are ready for a major change to their public schools, even if their leaders aren't. A September telephone poll of 400 city residents showed almost two-thirds (64 percent) reporting they believe "it is time to try some new approaches to public education." Among parents with school-age children, that number jumped to 71 percent.

As one participant in a recent focus group stated: "You can't do it the same way you did it before because you have to get results."

An October report from Edison Schools, Inc. detailed the current situation in the City of Brotherly Love's public schools.

"The School District of Philadelphia is facing grave academic and fiscal crises, with two-thirds of its schools (176 of 264 schools) failing and a significant and growing budget deficit," were the opening words of that report.

"The magnitude of the performance challenge in the District today is overwhelming," the report continued. "Reading and mathematics scores are among the worst in the Commonwealth. The district estimates that it fails to adequately educate 70 percent of its students by the time they graduate from high school, with 50 percent dropping out."

Schweiker's recommendations, developed with Edison's help, called for putting the district's central office under private management and achieving more than $225 million a year in cost savings by 2004-05.

The 60 worst-performing schools would be run independently by private education management companies in partnership with community groups and universities. The top 30 schools would remain unaffected, and the 170 schools in the middle would receive new math and reading curricula, with bonuses for principals who increased test scores.

In response, the city school board criticized the Governor's proposal and the Edison report for "inaccuracies"; labor unions representing most of the people working in the city's schools vowed to oppose both privatization efforts and state takeover; and Congressman Chaka Fattah (D-Philadelphia) called for a General Accounting Office investigation into Edison and other for-profit education companies.

Derisively calling Schweiker a "governor by accident," Mayor Street condemned the plan to privatize the school administration as "Fantasyland" and refused to negotiate with the Governor until privatization of the district administration was dropped.

"These children belong to us," Street told *Philadelphia Inquirer* reporter Susan Snyder.

Schweiker threw in the towel on central office privatization on November 20, but then found he couldn't get agreement with Street on money issues, either. Rather than let the state take over the district after November 30, the Governor agreed to extend the deadline by three weeks. But with Philadelphia spending per student about the same as the state average, not everyone is convinced money is the Number One problem.

"Black children can't read, and that is the fundamental issue," former Democratic school board president Rotan Lee told *Inquirer* reporter Dale Mezzacappa. "There's no question the school district is not funded adequately, but if you can't figure out how to teach kids how to read, you shouldn't throw bad money after bad money."

Philadelphia daily newspapers,
October through December, 2001
Edison Report on Philadelphia Schools, October 2001
Standard and Poors 2001 Report
on the Philadelphia School District

Washington

Nearly 1 in 3 Attend Private Schools in Seattle

With nearly one in three first- through 12th-grade students (31 percent) in Seattle, Washington attending religious or other independent schools, the city has one of the nation's highest private school attendance rates, according to a Census 2000 Supplementary Survey issued in November.

In lower grades, the rate is even higher, with 36 percent of first- through fourth-grade students attending private schools.

Honolulu, Hawaii, has the next highest rate, with 27.3 percent of students there attending non-public schools. Following Seattle and Honolulu are San Francisco, Pittsburgh, Philadelphia, and Cincinnati.

While students at private high schools thought they got a better education in a private school, they also regarded access to programs as important, according to Jean Orvis, director of the private Seattle Academy.

"One girl talked about going to a larger [public] school, but finding she could get an arts class only when she was a senior, whereas in a smaller private school she had access to that," Orvis told *Seattle Times* reporter Tan Vinh. "Students could get into sports and technology programs easily in private schools."

Seattle Times
November 20, 2001

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SCIENCE continued from page 1

for valuable American jobs," he complained, noting the U.S. had to import more than 100,000 skilled foreign workers in 1999 and 2000 to meet the demands of the nation's high-tech industry. "There's something wrong when foreign workers are getting jobs in America because we failed to teach American graduates the skills," he added.

Right now, continued Paige, the U.S. educational system is not delivering the excellent grounding in science necessary for children to pursue careers as inventors, engineers, doctors, computer designers, scientists, chemists, astronomers, naturalists, and so on.

Emphasizing this was a matter of national security as well as economics, he quoted a recent report from the U.S. Commission on National Security in the 21st Century. (See "Panel: U.S. Science Education Poses Security Risk," *School Reform News*, December 2001.)

"The U.S. need for the highest quality of human capital in science, mathematics, and engineering is not being met," wrote Commission chairmen former senators Gary Hart and Warren Rudman, "[and one] reason for the growing deficit in high-quality human capital is that the American Kindergarten-12 education system is not performing as well as it should."

In the "Nation's Report Card: Science 2000," released on November 20, the Education Department's National Center for Education Statistics reported that average scores for 4th- and 8th-graders were flat compared to 1996 scores, but 12th-grade scores had declined.

In terms of proficiency in science—which the National Assessment Governing Board believes every student is capable of achieving—82 percent of 12th-graders scored below proficient. Seventy-one percent of 4th-graders were below proficient, as were 68 percent of 8th-graders.

"The decline is not huge, but it is statistically significant, and morally significant as well," said Paige. "After all, twelfth grade scores are the scores that really matter."

No Ethnic Group Improves Performance

Examination of the test scores by ethnic group—White, Black, Hispanic, Asian/Pacific Islander, and American Indian—revealed none of these subgroups had average scores in 2000 higher than in 1996. However, the NAEP data did show that:

- Eighth-graders whose teachers majored in science education had higher scores than students whose teachers did not. At fourth grade, there was no relationship.
- Eighth-graders who took life science had lower scores than students taking earth, integrated science, biology, chemistry, or physics.
- Fourth-graders who used computers to play learning games had higher scores than those who did not.
- Eighth-graders who used computers for simulations and analysis also scored higher.

Paige punctured the complacency of suburban parents by pointing out the bad news about student performance was not just a problem confined to poor children in urban schools. Suburban students performed no better than urban students, he noted.

"In fact, it is white students with educated parents and economic advantages in public schools whose scores declined significantly at the twelfth-grade level," said Paige. "Every group should do better, but the ones we might be complacent about actually have declining scores."

Providing an additional embarrassment to suburban complacency, Paige noted the only good news was that one set of schools in particular had scored higher than all but one state in 8th-grade science. Those high-performing schools had a student population some would consider "challenging," he noted:

- 40 percent are members of a minority group;
- 50 percent receive free or reduced price lunch;
- 80 percent have parents who never went to college; and
- 35 percent switch schools every year.

"I am talking about Department of Defense schools, both domestic and overseas," said Paige, noting those schools are *improving* their scores. Twice as many overseas DOD eighth-graders reached the advanced level as in 1996, and their domestic peers increased their average scale score significantly during the same period.

How can DOD schools take diverse, highly mobile groups of students and do so well? (See related article, "Defense Dept. Knows How to Operate Good Schools, Too," page 6.)

"The decline is not huge, but it is statistically significant, and morally significant as well."

ROD PAIGE, SECRETARY
U.S. DEPARTMENT OF EDUCATION

"The answer is startlingly simple and familiar," said the Education Secretary. "They set high standards, they demand accountability, and they encourage parental involvement." He reminded everyone those were the elements President Bush had included in his education plan.

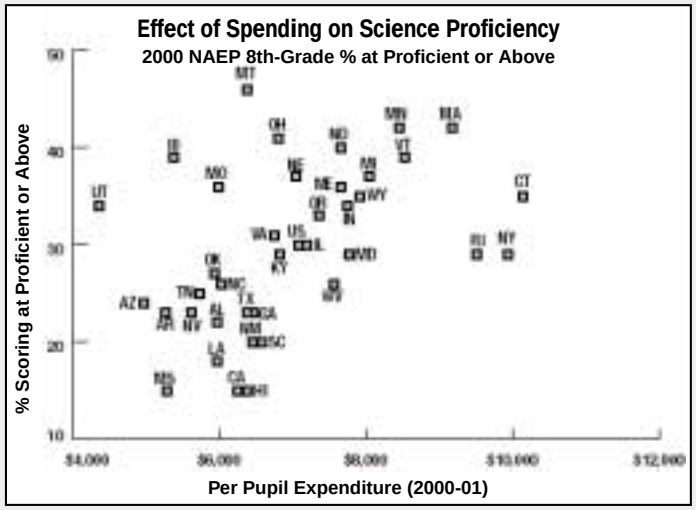
In addition, the administration was working to address the shortage of teachers by making it easier for qualified professionals to enter the teaching field. For example, the ranks of science teachers, math teachers, and history teachers could be swelled each year from the thousands of Americans in their twenties or thirties who are finishing a tour in the military and who majored and worked in technical fields.

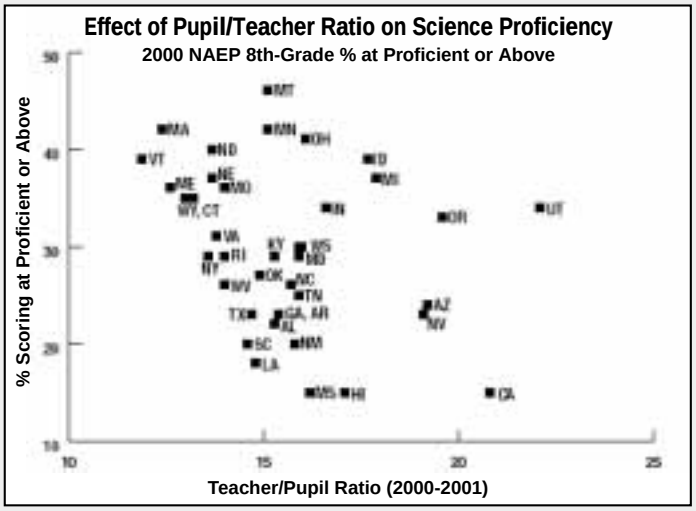
Science Achievement Unrelated to Spending and Class Size

In his remarks on the November 20 release of the declining 12th-grade 2000 science scores in the National Assessment of Educational Progress tests, U.S. Education Secretary Rod Paige noted it was students with the most resources whose scores "declined significantly."

In other words, the supposed advantages of public schools in the suburbs—high per-pupil sending, small class sizes, modern schools, and educated parents—provided no protection against low student achievement.

The lack of any relationship between science achievement levels and per-pupil expenditures and pupil/teacher ratios is clearly evident when state-level NAEP science achievement data are combined with Early Estimate data for 2000-01 from the National Center for Education Statistics.


Effect of Spending on Science Proficiency
2000 NAEP 8th-Grade % at Proficient or Above
% Scoring at Proficient or Above
Per Pupil Expenditure (2000-01)


Effect of Pupil/Teacher Ratio on Science Proficiency
2000 NAEP 8th-Grade % at Proficient or Above
% Scoring at Proficient or Above
Teacher/Pupil Ratio (2000-2001)

For more information...

WWW "The Nation's Report Card: Science 2000," is available from the National Assessment of Educational Progress at the National Center for Education Statistics Web site at **http://nces.ed.gov/nationsreportcard/**.

George A. Clowes, "U.S. 12th Graders Flunk International Math, Science Test," *School Reform News*, April 1998, **http://www.heartland.org/education/apr98/flunk.htm**.

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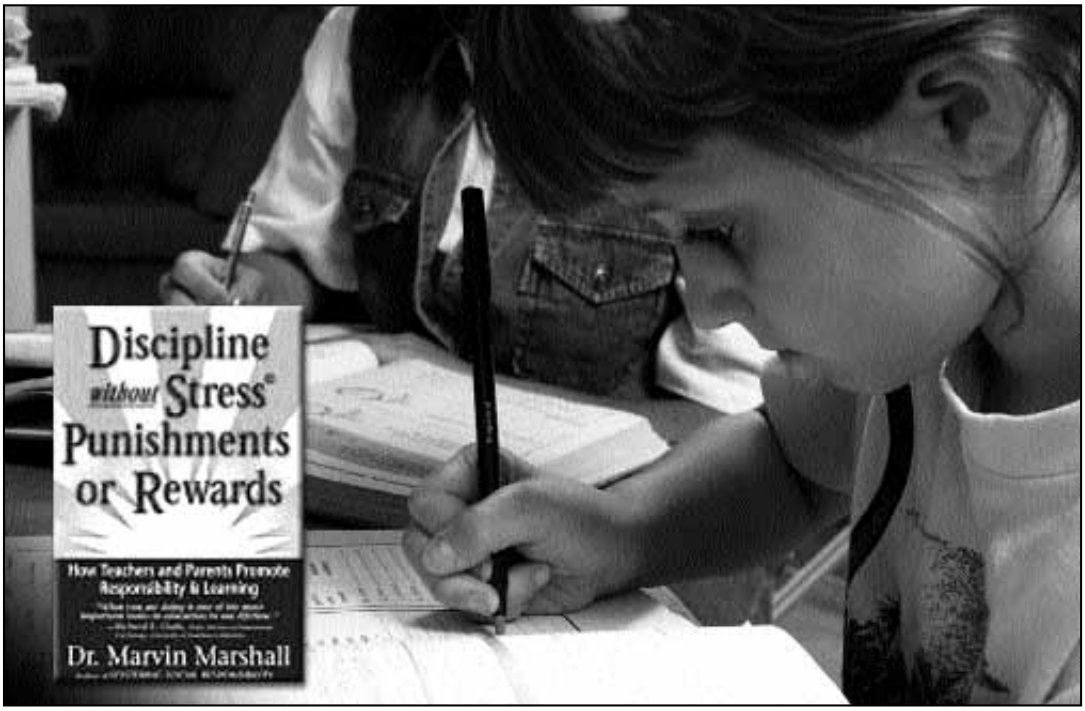

Taking the Highway Out of My Way

Alternatives to coercive discipline for teachers and parents

BY SARAH CLOWES

Imagine this: A teacher gives an assignment to his class. Students begin the assignment, but the noise level steadily creeps up beyond a comfortable level.

Suddenly, a girl raises her voice and says, "This is anarchy!" The noise abates and the students quietly resume work on their assignment, motivated by a sincere interest in the subject.

That is the utopian classroom Marvin Marshall describes in *Discipline Without Stress, Punishments, or Rewards* (Piper Press, Los Alamitos, California, 2001; 229 pages, $39.95).

User-Friendly and Practical

A user-friendly resource for teachers, administrators, and parents, Marshall's book outlines the theory and practice of discipline designed to empower young people with responsibility. It provides a theoretical framework for discipline that is ultimately respectful of students as well as teachers.

Marshall also does what many educational theorists often neglect to do: Offer many practical suggestions.

The book describes a discipline system focused on self-discipline rather than externally imposed consequences. Eschewing the self-esteem movement's belief that one person can change another's self-esteem through external motivators, Marshall instead argues for unconditional self-acceptance coupled with self-awareness, reflection, and responsibility.

How to Reduce Spoiled, Irresponsible Behavior

A TIME/CNN poll conducted last July found that 80 percent of Americans think children today are more spoiled than children of 10 to 15 years ago. Two-thirds of parents admit their own children are spoiled. This generation of youngsters was the subject of *Time*'s cover story on August 6, 2001, "Do Kids Have Too Much Power?"

"Go to the mall or a concert or a restaurant and you can find them in the wild, the kids who have never been told no, whose sense of power and entitlement leaves onlookers breathless, the sand-kicking, foot-stomping, arm-twisting, wheedling, whining despots whose parents deserve the company of the monsters they, after all, created," wrote reporter Nancy Gibbs.

For 180 days a year, you also can find them in school, where teachers are expected to transform them into respectful, disciplined, and cooperative students.

A new book by Dr. Marvin Marshall, *Discipline Without Stress, Punishment, or Rewards: How Teachers and Parents Promote Responsibility & Learning*, offers some guidelines for that challenging task.

Dr. Marshall's book is available for $39.95 from Amazon.com. Point your Web browser to http://www.amazon.com/exec/obidos/ASIN/0970060610/theheartlandinst.

Although the research is not mentioned in the book, empirical studies have shown that positive rather than punitive approaches are more effective in shaping behavior. Marshall endorses this positive approach to discipline. Although punishment does deter people from certain behaviors, he notes it does not necessarily instill a desire to "do the right thing." Instead, it promotes a desire to avoid being caught and punished.

Contingencies, Not Consequences

One way of focusing on the positive is to provide contingencies, rather than consequences.

For example, instead of specifying a consequence such as, "If your work is not finished, you're not going," a parent or teacher might specify a contingency such as, "You can go as soon as your work is finished." The contingency approach implies the parent or teacher trusts the youngster to get his or her work done.

Grandmothers have long known the value of contingencies, as this familiar phrase indicates: "You can have a slice of pie as soon as you eat the rest of your brussels sprouts."

Marshall points out that rewards and punishment are two sides of the same coin. Both provide external motivation, and neither promotes responsibility. Gushing praise is like candy, which a young person may come to crave rather than feeling the natural satisfaction of being responsible or performing a task well.

Theory Y

The theoretical foundation of Marshall's discipline system comes from Douglas McGregor, the late Sloan Professor of Management at MIT, whose 1960 book, *The Human Side of Enterprise*, applied behavioral science to improve productivity in organizations. According to McGregor, there are two theories that people in authority have about people, Theory X and Theory Y.

Theory X makes the following assumptions about people: They dislike work and responsibility, they must be coerced into achieving goals, and they want security above all else.

By contrast, Theory Y assumes: Creativity and ingenuity are present in most people, work may be a source of satisfaction to them, the average person learns to seek out responsibility, and intellectual potentials are only partially realized in most people.

"Gushing praise is like candy, which a young person may come to crave rather than feeling the natural satisfaction of being responsible or performing a task well."

Theory Y forms the basis of Marshall's "Raise Responsibility System," which recognizes that four levels of government may be applied to a classroom. Students learn the four levels and then use them to evaluate the quality of their own behavior.

Governing in the Classroom

In the highest level, democracy, students regulate their own behavior according to an internal desire to show positive character attributes such as caring, citizenship, justice, respect, responsibility, and trustworthiness. Anarchy represents the lowest level, and is characterized by the absence of order, lack of safety, aimlessness, and the absence of government.

Between these two extremes are bullying, where some people boss others around and bother them; and conformity, where people cooperate but are motivated externally rather than internally.

To raise students' awareness of responsibility when a discipline problem occurs, Marshall's system first asks students to identify the level of their behavior. Next, they are asked to identify the level on which the teacher is forced to respond to them. Finally, they are asked on what level they would prefer to be responded to. The desire to act at a higher level is its own motivation.

Marshall's system separates the person from the behavior and encourages moral awareness and responsibility, not just compliance. Reflection and understanding are key to making the system work . . . as are skilled, intelligent teachers.

Marshall's discipline system would probably work best when coupled with other character education methods, such as Socratic discussions of moral issues. While his book is not guaranteed to catapult the average classroom into a utopia, it does provide some very useful tools for adults who work with children.

Sarah Clowes is an English teacher at Spring Lake Park High School in the suburbs of Minneapolis, Minnesota. She previously taught at Zuni High School in Zuni, New Mexico.

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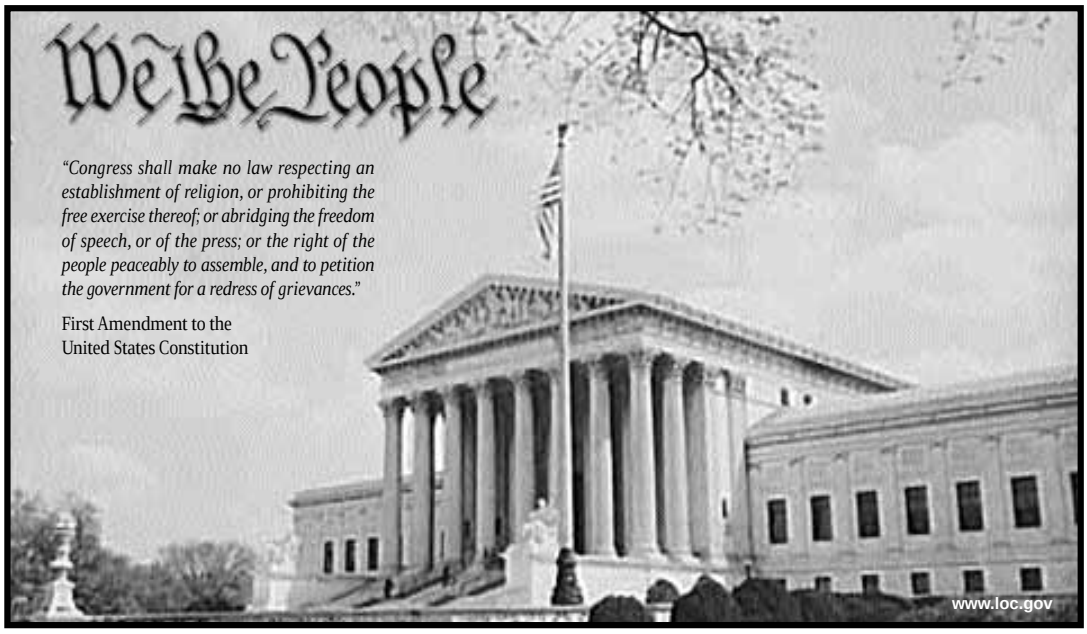
We the People
"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."
First Amendment to the United States Constitution
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Education and Religious Liberty: Key U.S. Supreme Court Rulings

BY CHARLES LEVENDOSKY

ESTABLISHMENT CLAUSE

"Congress shall make no law respecting an establishment of religion . . ."

The Establishment Clause has generally come to mean that government cannot authorize a church, cannot pass laws that aid or favor one religion over another, cannot pass laws that favor religious belief over non belief, and cannot force a person to profess a belief.

In short, government must be neutral toward religion and cannot be entangled with any religion.

Religion in Public Schools

Minersville v. Gobitis, 310 U.S. 586 (1940)—Supreme Court rules that a public school may require students to salute the flag and pledge allegiance even if it violates their religious scruples.

West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943)—Court overturns *Gobitis* but is broader in its scope. No one can be forced to salute the flag or say the pledge of allegiance if it violates the individual conscience.

McCollum v. Board of Education, 333 U.S. 203 (1948)—Court finds religious instruction in public schools a violation of the establishment clause and therefore unconstitutional.

Zorach v. Clausen, 343 U.S. 306 (1952)—Court finds that release time from public school classes for religious instruction does not violate the establishment clause.

Engel v. Vitale, 370 U.S. 421 (1962)—Court finds school prayer unconstitutional.

Abington School District v. Schempp, 374 U.S. 203 (1963)—Court finds Bible reading over school intercom unconstitutional.

Murray v. Curlett, 374 U.S. 203 (1963)—Court finds forcing a child to participate in Bible reading and prayer unconstitutional.

Epperson v. Arkansas, 393 U.S. 97 (1968)—Court says the state cannot ban the teaching of evolution.

Stone v. Graham, 449 U.S. 39 (1980)—Court finds posting the Ten Commandments in schools unconstitutional.

Wallace v. Jaffree, 472 U.S. 38 (1985)—Court finds state law enforcing a moment of silence in schools had a religious purpose and is therefore unconstitutional.

Edwards v. Aquillard, 482 U.S. 578 (1987)—Court finds state law requiring equal treatment for creationism has a religious purpose and is therefore unconstitutional.

Board of Education v. Mergens, 496 U.S. 226 (1990)—The court rules the Equal Access Act does not violate the First Amendment. Public schools that receive federal funds and maintain a "limited open forum" on school grounds after school hours cannot deny "equal access" to student groups based upon "religious, political, philosophical, or other content."

Lee v. Weisman, 112 SCt. 2649 (1992)—Court finds prayer at public school graduation ceremonies violates the establishment clause and is therefore unconstitutional.

Lamb's Chapel et al. v. Center Moriches Union Free School District, 508 U.S. 384 (1993)—Court says school districts cannot deny churches access to school premises after-hours, if the district allowed the use of its building to other groups.

Kiryas Joel Village School District v. Grumet, (1994)—Court states the New York State Legislature cannot create a separate school district for a religious community.

Santa Fe Independent School District v. Doe, (2000)—Court rules student-led prayers at public school football games violate the Establishment Clause of the First Amendment.

Good News Club v. Milford Central School, (2001)—Court rules Milford Central School cannot keep the Good News Club from using its facilities because the school had created a limited public forum and prohibiting the religious club was viewpoint discrimination.

Support for Religious Schools

Pierce v. Society of Sisters, 268 U.S. 510 (1925)—Court invalidates an Oregon law that required all children between the ages of eight and 16 to attend public schools, saying the law interfered with the parents' right to oversee and guide their children's education.

Everson v. Board of Education, 330 U.S. 1 (1947)—Court says state reimbursement for bus fares to attend religious schools is constitutional.

Board of Education v. Allen, 392 U.S. 236 (1968)—Court says the state's lending of textbooks to private and religious schools is constitutional.

Lemon v. Kurtzman, 403 U.S. 602 (1971)—Court finds state supplements to the salary of Catholic school teachers to be unconstitutional.

Tilton v. Richardson, 403 U.S. 671 (1971)—Court finds federal funding to private, religious, and public colleges in order to build classrooms is constitutional.

Committee v. Nyquist, 413 U.S. 756 (1973) and *Sloan v. Lemon*, 413 U.S. 825 (1973)—Court rules states cannot reimburse parents for sending their children to religious schools.

Meek v. Pittenger, 421 U.S. 349 (1975)—Court rules states can lend textbooks to religious schools but no other materials.

Roemer v. Board of Public Works, 426 U.S. 736 (1976)—Court rules states can provide grants to private and religious colleges.

Committee for Public Education v. Regan, 444 U.S. 646 (1980)—Court rules states can reimburse religious schools for the cost of giving standardized tests.

Mueller v. Allen, 463 U.S. 388 (1983)—Court rules taxpayers can deduct from state income taxes tuition, textbooks, and transportation expenses incurred by attending private and religious schools.

Aguilar v. Felton, 473 U.S. 402 (1985)—Court rules sending public school teachers to religious schools to provide remedial education and counseling is unconstitutional.

Zobrest et al. v. Catalina Foothills School District, 509 U.S. 1 (1993)—Court rules the school district does not violate the Establishment Clause by furnishing a sign-interpreter to a deaf child in a sectarian school.

Kiryas Joel Village School District v. Grumet, 512 U.S. 687 (1994)—Court rules a school district carved out for religious reasons and financed by public funds violates the Establishment Clause.

Agostini v. Felton, 117 S.Ct. 1997, 138 L.Ed.2d 391 (1997)—Court overturns *Aguilar* and says public school teachers providing supplemental, remedial instruction to disadvantaged students in religious schools does not violate the Establishment Clause.

Mitchell v. Helms, (2000)—High court rules Chapter 2 of the Education and Consolidation and Improvement Act of 1981 does not violate the Establishment Clause when it provides educational equipment to religious schools with taxpayer money.

FREE EXERCISE CLAUSE

"Congress shall make no law . . . prohibiting the free exercise [of religion] . . ."

The Free Exercise Clause has generally come to mean that one may believe anything, but that religious actions and rituals can be limited by laws passed for compelling government reasons. A law aimed at a particular religion or religions in general has been considered unconstitutional by the U.S. Supreme Court. Laws must be neutral in regard to religions.

When Religious Acts Break the Law

United States v. Ballard, 322 U.S. 78 (1944)—Court rules religious teachings could not be prosecuted for fraud. The beliefs of one person may seem preposterous to another, but religious liberty demands the widest toleration of conflicting views.

Wisconsin v. Yoder, 406 U.S. 205 (1972)—Court decides the Amish do not have to follow state law requiring children attend school until the age of 16. The Amish stop their children's formal education at 8th grade.

Charles Levendosky, who maintains the FACT Web site, is the editorial page editor and a columnist for the Casper Star-Tribune. *His work on the First Amendment was honored in 1994 with the American Bar Association's Silver Gavel Award and* The Baltimore Sun's *H.L. Mencken Award. In 2000, his columns and the FACT Web site won the Society of Professional Journalist's First Amendment Award. His email address is levendos@trib.com.*

For more information...

WWW A more complete listing of U.S. Supreme Court cases related to religious liberty is available from the *Casper Star-Tribune* First Amendment Cyber-Tribune website at **w3.trib.com/FACT.** The FACT page also is available from the Web site of The Becket Fund for Religious Liberty at **www.becketfund.org.** The Becket Fund is a bipartisan and ecumenical, public-interest law firm that protects the free expression of all religious traditions.

The complete text of the U.S. Supreme Court decisions is available from the Cornell Law School Web site at **www.law.cornell.edu/supct/index.html.**

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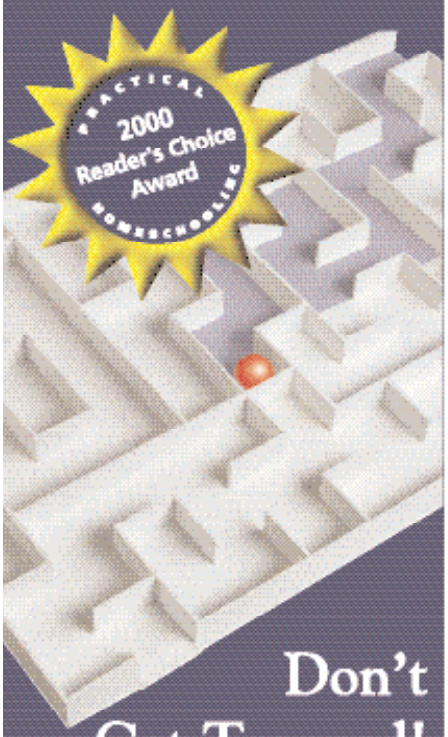

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~ Tina Hudak
Reviewer, Cahner's School Library Journal, St. Bernard's School

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~ Herbert Horne,
Linguist, teacher, and school administrator

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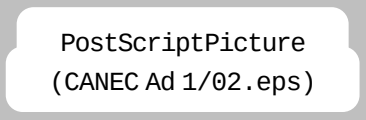

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